

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4 IN RE NATIONAL PRESCRIPTION | MDL No. 2804
5 |
6 OPIATE LITIGATION | Case No. 17-MD-2804
7 |
8 This Document Relates to: | Hon. Dan A. Polster
9 |
10 The County of Summit, Ohio, |
11 et al., v. |
12 Purdue Pharma L.P., et al. |
13 Case No. 17-op-45004 |
14 |
15 The County of Cuyahoga v. |
16 Purdue Pharma L.P., et al. |
17 Case No. 18-op-45090 |
18 |
19 City of Cleveland, Ohio v. |
20 Purdue Pharma L.P., et al. |
21 Case No. 18-op-45132 |

22 - - -
23 Friday, December 7, 2018
24 - - -

25 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
26 CONFIDENTIALITY REVIEW
27 - - -

28 Videotaped deposition of WILLIAM VERSOSKY,
29 held at Foley & Lardner LLP, One Biscayne Tower,
30 2 Biscayne Boulevard, Suite 1900, Miami, Florida,
31 commencing at 9:25 a.m., on the above date,
32 before Susan D. Wasilewski, Registered
33 Professional Reporter, Certified Realtime
34 Reporter and Certified Realtime Captioner.
35 - - -

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2 THE VIDEOGRAPHER: We are now on the record.
3 My name is Jeff Fleming. I am a videographer for
4 Golkow Litigation Services. Today's date is
5 December 7th, 2018. The time is 9:25 a.m.

6 This video deposition is being held in
7 Miami, Florida, in the matter of National
8 Prescription Opiate Litigation, MDL Number 2804,
9 for the United States District Court, Northern
10 District of Ohio, Eastern Division. The deponent
11 is William Versosky.

12 Counsel, please introduce yourselves for the
13 record.

14 MR. PENNOCK: Paul Pennock, Weitz &
15 Luxenberg, for the plaintiffs.

16 MR. KING: Burton King, Weitz & Luxenberg,
17 for the plaintiffs.

18 MS. KOSKI: Katy Koski, Foley & Lardner for
19 Anda, Inc., and the witness, Mr. Versosky.

20 MS. HERRERA: Suje Herrera for -- from Reed
21 Smith for AmerisourceBergen Drug Corporation.

22 MS. KOSKI: Folks on the phone, can you
23 identify yourselves?

24 MS. ADAMS: I'm Katelyn Adams with Williams
25 & Connolly on behalf of Cardinal Health.

1 MS. MARTINI MIKA: Caitlin Martini Mika from
2 Arnold & Porter on behalf of Endo Health
3 Solutions, Inc., Endo Pharmaceuticals, Inc., Par
4 Pharmaceutical, Inc., Par Pharmaceutical
5 Companies, Inc., f/k/a Par Pharmaceutical
6 Holdings, Inc.

7 MR. MANNIX: Paul Mannix with Marcus &
8 Shapira on behalf of HBC Services.

9 MS. BORSAY: Casteel Borsay with Jones Day
10 on behalf of Walmart.

11 THE VIDEOGRAPHER: Thank you.

12 The court reporter is Susan Wasilewski and
13 will now swear in the witness.

14 THE COURT REPORTER: Sir, would you raise
15 your right hand?

16 Do you solemnly swear or affirm the
17 testimony you're about to give will be the truth,
18 the whole truth, and nothing but the truth?

19 THE WITNESS: Yes.

20 THE COURT REPORTER: Thank you.

21 WILLIAM VERSOSKY, called as a witness by the
22 Plaintiffs, having been duly sworn, testified as
23 follows:

24 DIRECT EXAMINATION

25 BY MR. PENNOCK:

1 Q. Good morning, Mr. Versosky. My name is Paul
2 Pennock. I'm going to have a lot of questions for
3 you today.

4 A. Sure.

5 Q. If at any time you don't understand my
6 questions, will you let me know?

7 A. Uh-huh.

8 Q. If you don't, I'm going to assume that you
9 understood them. Is -- can we have that agreement?

10 A. Sure.

11 Q. Where are you currently working?

12 A. I'm consulting right now. So -- I'm doing
13 consulting.

14 Q. Are you with any particular employer, or are
15 you self-employed?

16 A. I -- I have a -- I have an agree -- I'm
17 self-employed as a consulter. I have an agreement
18 with ABC from a consulting standpoint.

19 Q. Okay. Are you working for or consulting for
20 any particular clients right now? You mentioned --

21 A. I -- AmerisourceBergen is a client.

22 Q. Oh, ABC is AmerisourceBergen?

23 A. Yes. I'm sorry.

24 Q. Okay. Anyone else?

25 A. Not at this point.

1 Q. And is that what you've been doing since you
2 left the employ of Anda?

3 A. No, not really. That's been probably the
4 last -- it's basically this year. Prior to that, I
5 wasn't really doing anything.

6 Q. You left Anda around April 2016; is that
7 right?

8 A. That's correct.

9 Q. And did you leave of your own accord or were
10 you asked to leave?

11 A. I left of my own accord, but I did get a
12 package.

13 Q. Okay. So tell me how that worked.

14 MS. KOSKI: Object to form.

15 THE WITNESS: What's that?

16 MS. KOSKI: You can go ahead.

17 A. I'm sorry.

18 So there was kind of a leadership change at
19 Anda. So Chip Phillips came in, replaced Al
20 Paonessa. You know, with any leadership change, I
21 think he was looking to shake things up a little
22 bit. For me, you know, I was kind of ready to move
23 on. The fact that there was a new leader of Anda
24 sort of meant that there was no advancement possible
25 for me in that -- in that role, and so I kind of was

1 done.

2 So between Chip and I and him kind of
3 figuring out how was he going to build his team
4 going forward, I wasn't really willing or able to
5 commit long-term. So we worked out, you know, a
6 deal where I would exit the company. I kind of
7 stayed a little longer than I would have liked, you
8 know, to be able to transition things away, and he
9 gave me a package on the way out.

10 Q. Okay. What was the package that they gave
11 you?

12 A. There was a -- at that time, it was --
13 Pfizer was about to buy Allergan, and so there was a
14 standard package available. And for me
15 specifically, I believe it was -- I think I got paid
16 for a year-and-a-half with, I think, a two-year
17 noncompete.

18 Q. Anything else in the package?

19 A. Within that year-and-a-half, any theoretical
20 stock that was remaining was -- was, you know,
21 vested as if I was an employee.

22 Q. Sir, you worked for a -- well, let me back
23 up.

24 You are William Versosky, correct?

25 A. I am, yes. Yes.

1 Q. And you got out of college in 1999; is that
2 right?

3 A. I believe so, yeah.

4 Q. And you went to work after college for a
5 couple of different places. But in 2003, you ended
6 up working for a company known as Anda; is that
7 right?

8 A. Yes. Yes.

9 Q. And that's A-n-d-a, right?

10 A. Yes.

11 Q. And when you -- you went to work for Anda,
12 tell us what that company did for their business in
13 2003?

14 A. Sure. So Anda is a or was a distributor of
15 predominantly generic pharmaceuticals to, again,
16 back then, predominantly independent pharmacies. So
17 they were a wholesaler or a middle man buying
18 product from generic manufacturers and then
19 reselling it to mom-and-pop pharmacies.

20 Q. Now, you were at Anda for about almost 13
21 years, right?

22 A. Yes. Yes.

23 Q. And in -- well, about two-and-a-half years
24 after you were there, you were first promoted; is
25 that right?

1 A. Correct. Yeah.

2 Q. So tell us what you did first and then what
3 you did once you were promoted.

4 A. What -- so what I was brought in to do and
5 what I did first was I was one of the negotiators
6 with generic manufacturers for buy-side contracts.
7 So we would, you know, reach out to the
8 manufacturers and kind of negotiate our price on any
9 generic drug.

10 The promotion -- I -- I believe it was an
11 in-line promotion, honestly. Am I able to -- are
12 you able to share a copy of my résumé there, or no?

13 Q. I can give you a copy; but you started out,
14 as I understand it, as a director of purchasing?

15 A. Correct.

16 Q. Right?

17 A. Yes.

18 Q. And then you went and became senior director
19 of purchasing --

20 A. Yeah.

21 Q. -- and trade relations, right?

22 A. Yes.

23 Q. And that was in -- so you started out in
24 November '03, you were promoted in May of 2006?

25 A. Yes.

1 Q. Right?

2 A. Yes.

3 Q. And then in June of 2007, you were again
4 promoted to senior director program development?

5 A. Yes.

6 Q. And then in February 2008, you were promoted
7 again, but now you became vice -- a vice president?

8 A. Yes.

9 Q. And so you became vice president for
10 national accounts at Anda, right?

11 A. Correct. Yes.

12 Q. And national accounts dealt primarily with
13 the major chain pharmacies, right?

14 MS. KOSKI: Object to form.

15 A. Yeah. That -- that was the goal, right?
16 Back then, when that promotion occurred, they really
17 didn't have a lot of business with kind of larger
18 customers. Over time it evolved into that.

19 At that time when I -- when I was promoted,
20 they were really selling to -- we'll call it very
21 small chains, retail independent buying groups, and,
22 you know, maybe some long-term care accounts.

23 Q. So when you were promoted to vice president
24 for national accounts, one of the things you wanted
25 to do was to expand Anda's business, right?

1 A. Yes. Yes.

2 Q. And you wanted to expand their business
3 specifically into major retail chains of
4 pharmacies --

5 A. We wanted to find larger customers for sure.

6 Q. Okay. And the last promotion that you got
7 was in May of 2010, right?

8 A. Yes.

9 Q. And at that time, you became vice president
10 for all of sales and marketing, right?

11 A. Yes. In -- it's interesting in title,
12 right? So what happened there was there was a
13 gentleman who was running the marketing department
14 who moved into purchasing. So Marc Falkin was
15 running marketing. He moved into purchasing. I
16 absorbed the marketing department, and that title
17 change was reflective of me now running national
18 accounts and marketing.

19 There was a separate gentleman who ran sales
20 for what we called inside sales or telesales.

21 Q. Okay.

22 A. So I -- the sales to the mom-and-pop
23 pharmacies was still managed separately.

24 Q. Okay. But nevertheless, in May of 2010, you
25 received a promotion?

1 A. Yes. Yes. Yes.

2 Q. Okay. And it was a promotion to handle and
3 be responsible not just for national accounts, but
4 for all sales and marketing?

5 A. No. No. That's what I was just trying to
6 clarify for you.

7 Q. There was someone else that did telesales?

8 A. There was someone else that did telesales.

9 Q. Okay. So other than telesales, you were in
10 charge of sales?

11 A. Correct. But from -- as a point of
12 clarification, owning the marketing department, I
13 did have interaction with the telesales. I wasn't
14 responsible for their number or for their management
15 of their people or anything like that.

16 Q. You had indicated on your résumé that you
17 were part of the leadership team at Anda?

18 A. Yes.

19 Q. Right?

20 A. Yes.

21 Q. And that meant that you were interacting
22 with the -- with whom? The other VPs?

23 A. Yeah. Yeah, it was the other VPs, the other
24 kind of functional heads of departments.

25 Q. Okay. So would you agree that as of 2010,

1 you had risen to the level of -- at Anda where you
2 were one of the people helping to run the company?

3 A. Sure. I think that's a fair assessment.

4 Q. Now, when you got to Anda in 2003, did you
5 at any time in your initial role with Anda have
6 involvement with the purchasing of opiates?

7 A. Yes.

8 Q. Okay. And what do you recall about
9 purchasing of opiates in 2003 that you were
10 responsible for?

11 MS. KOSKI: Object to form.

12 A. Yeah, I don't know that I recall anything
13 specific to the opiates with the exception of, you
14 know, obviously they were controlled substances, you
15 know. But from a -- the role that I managed in --
16 on the purchasing team was the negotiations role,
17 trying to figure out what was the cost we were going
18 to pay from the manufacturer. So we were, you know,
19 bidding those products, those manufacturers against
20 each other, trying to get lower costs.

21 Q. So when you went there in 2003 and you were
22 bidding those manufacturers to get lower costs for
23 opiates, you mentioned that opiates were a
24 controlled substance.

25 A. Uh-huh.

1 Q. So you knew that?

2 A. Yes.

3 Q. And did you know what that meant?

4 A. Yes.

5 Q. And you understood that it -- that most of
6 the opiates at that time at least were -- we'll call
7 it -- can we call them CIIs?

8 A. Yes.

9 Q. And CIIs means that the only more controlled
10 opiate would -- or the only more controlled
11 substance would be substances nobody can sell
12 legally, right, CIs?

13 MS. KOSKI: Object to form.

14 A. Yes.

15 Q. Right. And so the CIIs were the most
16 controlled substances that could be sold legally?

17 A. Yes.

18 MS. KOSKI: Object to form.

19 Q. Now, at the time that you first went --
20 became involved in any way with purchasing opiates,
21 did you -- were you provided any training with
22 respect to opiates and their use?

23 A. I don't recall receiving any training, no.

24 Q. Did you do any reading or educate yourself
25 with respect to opiates?

1 A. I would say yes. I don't know that anything
2 specific, but I had been in the -- in the
3 pharmaceutical industry for some time at the point
4 when I went to Anda, so I was generally aware.

5 Q. You'd been in the industry. You've worked
6 as a financial consultant for a company --

7 A. So --

8 Q. -- a pharmacy for about a year and then you
9 went to work for another --

10 A. Well, the -- so the -- the interesting part
11 is, as you read my résumé literally there, the -- I
12 worked for PCS Health Systems kind of through --
13 from high school through when I went to Anda. That
14 company was bought and sold several times, similar
15 to Anda, where I think the company you're
16 referencing there was one of the owners; and my role
17 as a financial analyst on that team was, you know,
18 part of their buying team. So it was as kind of my
19 first entry into the purchasing side of the
20 pharmaceutical business.

21 Q. Okay. So opioids were not a mystery to you
22 when you went to Anda?

23 A. No.

24 Q. And when you went to Anda, you understood
25 that opioids could be addictive?

1 MS. KOSKI: Object to form.

2 A. Yes. I would say, though, from a
3 clarification standpoint, I think, you know, CIIs as
4 opposed to opioids, I don't know if those are the
5 opioids specifically. I think there are other --

6 Q. Oh, okay.

7 A. -- controlled substances --

8 Q. That's fine. You -- did you understand when
9 you went to Anda in 2003 that CII opioids could be
10 addictive?

11 A. Sure. Yes.

12 MS. KOSKI: Object to form. Excuse me for a
13 second. You guys -- just a little pause if I
14 need to object.

15 THE WITNESS: Okay.

16 MS. KOSKI: Thank you.

17 Q. Okay. So we -- from the time that you got
18 there, you were initially involved -- withdrawn.

19 I'll tell you that I'm obviously going to
20 focus my questioning today on opioids, and you may
21 have been doing other --

22 A. Yeah.

23 Q. -- purchasing for other pharmaceuticals.

24 You understand that, right?

25 A. Yes.

1 Q. Okay. But I'm going to be talking about
2 opioids.

3 So one of the things you were doing when you
4 got there in '03 was you were involved in the
5 purchasing of opioids. You already mentioned that,
6 right?

7 A. Uh-huh.

8 Q. Correct?

9 A. Yeah.

10 Q. And you, from that point in time, until when
11 you left in April of 2016, throughout that entire
12 course, in one -- whatever role you were in, you had
13 some activity with regard to opioids, correct?

14 MS. KOSKI: Object to form.

15 A. Yes.

16 Q. Okay. In other words, if you were maybe in
17 some early on, you were involved in purchasing
18 opioids, right?

19 A. Uh-huh.

20 Q. Correct?

21 A. Yes.

22 Q. And then -- and then subsequently, you
23 became involved in the sales of opioids, right?

24 A. Yes.

25 Q. And you became involved in the marketing of

1 opioids, right?

2 MS. KOSKI: Object to form.

3 A. I don't know that we -- we did -- no, we
4 didn't market opioids. I guess I think of
5 marketing, when you say "marketing," as, you know,
6 advertising or something like that.

7 Q. So when you were there, at no time did you
8 do any advertising for opioids?

9 A. The -- I would say -- I can really only
10 speak to my time when I took over marketing and
11 going forward --

12 Q. Uh-huh.

13 A. -- and I believe the answer to that is we
14 did not. What we would promote was -- we were
15 promoting programs related to trying to get
16 customers to purchase their controlled substances
17 using Anda as a secondary or option to buy their
18 controlled substances through us.

19 Q. Okay. So -- so with respect to opioids,
20 from the time you took over being VP of sales, you
21 were involved, of course, in the sale of opioids,
22 right?

23 A. Yes.

24 Q. And you did not -- according to you, you did
25 not market opioids?

1 MS. KOSKI: Object to form.

2 Q. Right?

3 A. Correct.

4 Q. But you were involved in promoting to
5 customers opioids for purchase based on essentially
6 pricing or other benefits you might confer on them,
7 right?

8 MS. KOSKI: Object to form.

9 A. Not necessarily pricing; but again, as part
10 of a larger CII program, yes.

11 Q. What do you mean by "as part of a larger CII
12 program"?

13 A. Again, my team wasn't necessarily trying to
14 sell an individual product. It wasn't really a
15 transactional sell. It was a program-based sell.
16 So we were going to large customers saying, you
17 know, not -- you know, "Will you buy product X from
18 us." It was more, "Will you buy" -- "will you take
19 your control volume and put a portion of that
20 through Anda as opposed to through someone else."

21 Q. So will you take -- so when you were --
22 withdrawn.

23 MR. PENNOCK: One second. I want to ask the
24 videographer. Are you having any problem with
25 the buttons, his buttons on his jacket scratching

1 on the table?

2 THE VIDEOGRAPHER: No.

3 MR. PENNOCK: You're not picking that up?

4 THE VIDEOGRAPHER: I heard a -- I heard one
5 scratch.

6 MR. PENNOCK: Okay. Let me know if it
7 becomes -- I don't want that playing through the
8 whole tape.

9 THE VIDEOGRAPHER: Okay.

10 MR. PENNOCK: Okay.

11 THE WITNESS: I'll try to be cognizant of
12 that. Sorry.

13 MR. PENNOCK: That's okay. It's not your --
14 not your issue.

15 BY MR. PENNOCK:

16 Q. But -- okay. So you would certainly be
17 involved in promoting CIIs to customers, right?

18 A. Yes.

19 MS. KOSKI: Object to form.

20 A. Yes.

21 Q. But you're saying that at no time were you
22 involved in promoting a particular opioid to a
23 customer. Is that what you're saying?

24 A. Look, I -- it's hard to say "at no time,"
25 like it never happened, but that wasn't what our

1 team did. Our team wasn't a transactional sell an
2 individual product team. It's not -- that wasn't
3 what our goal was out there.

4 Q. What about --

5 A. Our goal was --

6 Q. Okay.

7 A. -- selling larger programs. And, yes,
8 opioids would have been part of a CII program, and
9 we were actively promoting CII programs to
10 customers.

11 Q. What about promoting not a particular
12 opioid, but opioids as a group?

13 A. I don't recall that that ever happened.

14 Q. Okay. So from 2003 to 2012 -- I'm sorry.
15 Withdrawn.

16 From 2003 till April 2016, I think we've
17 established you did have some activity with -- in
18 your company with respect to opioids throughout that
19 entire time period; is that correct?

20 A. Yes.

21 Q. Okay. Now, during -- from 2003 to 2016,
22 when you left, there was an e-mail system that
23 existed at Anda, correct?

24 A. Yes.

25 Q. Did you have a particular practice of not

1 using that e-mail system, you yourself?

2 A. No.

3 Q. Okay. Did you have a particular practice of
4 regularly deleting your e-mails?

5 A. No.

6 Q. And you --

7 A. I was like most people in that I used my
8 e-mail sort of as my filing system. I think there
9 were -- over the course of, you know, 13 years, I
10 believe there were different times where the e-mail
11 system changed or, you know, I think they -- towards
12 the end of my time there, I think they started, you
13 know, allowing you almost -- only so much space and
14 things like that that would potentially purge some
15 e-mails, but --

16 Q. Okay. And did you use your e-mail like many
17 people, to speak with people about issues?

18 A. Yes.

19 Q. So would it surprise you to learn that
20 for -- from 2003 to 2016, when you left, from when
21 you started until when you left, there are only
22 approximately 167 e-mails with your name on it as a
23 "from," a "to," or a "CC" --

24 MS. KOSKI: Object to form.

25 Q. -- that relate in some way to opioids, 167?

1 MS. KOSKI: I'm going to object.

2 Hold on for a second.

3 THE WITNESS: Yeah.

4 MS. KOSKI: I think that --

5 MR. PENNOCK: Excuse me?

6 MS. KOSKI: This is an issue that if you had
7 an issue with those documents and you had a
8 question about them, you could have asked counsel
9 in advance. I don't -- Mr. Versosky doesn't work
10 at the company anymore.

11 We, you know, obviously as part of the
12 discovery process --

13 MR. PENNOCK: Look, I'm going -- look. The
14 protocol is clear as to speaking objections. If
15 you have an objection, okay?

16 MS. KOSKI: It's also an improper question.

17 MR. PENNOCK: Well, I don't think it's
18 improper at all.

19 MS. KOSKI: You're asking about something he
20 doesn't know about.

21 MR. PENNOCK: That's fine. The judge can
22 decide that and strike it.

23 BY MR. PENNOCK:

24 Q. Let me rephrase the question.

25 A. Sure.

1 Q. Okay. So --

2 A. I -- I don't think --

3 Q. You get what I'm driving at?

4 A. Yeah. I don't think you need to rephrase
5 the question.

6 Q. Okay.

7 A. I -- you know, does it surprise me there is
8 only 167 with me on them? I think as I -- as I
9 described to you, we were more looking at programs,
10 not necessarily opioids. It is a long time, 167, I
11 mean, that's --

12 Q. Well, it was -- it was even -- let's just
13 say --

14 MR. PENNOCK: We're getting the buttons on
15 the video.

16 THE WITNESS: Want me to try to keep my arms
17 below the table?

18 MR. PENNOCK: Well, I don't -- I want you to
19 be comfortable, but maybe there is something -- I
20 don't know how to solve it.

21 BY MR. PENNOCK:

22 Q. Okay. Let's say if from -- if I told you
23 from May 2003 to when you left in April 2016 --

24 A. Sure.

25 Q. -- there were only 167 e-mails that you sent

1 that related to opioids, that would surprise you,
2 wouldn't it?

3 MS. KOSKI: Object to form.

4 A. Yeah, I don't -- I don't know. Again, I --
5 thinking about, like, the purchasing role, I don't
6 know that we were speaking about opioids
7 specifically, you know, anywhere. We would have
8 been speaking about a product contract, a
9 manufacturer -- a new contract happening with a
10 manufacturer that may or may not have been selling
11 opioids.

12 On the sales side, we wouldn't have been
13 speaking specifically about opioids. We would have
14 been speaking related to a controlled substance
15 program or a customer as opposed to the products.

16 Q. So what you're telling us is that if you
17 sent only 167 e-mails that related to opioids
18 between the time you started in 2003 to the time you
19 left in April 2016, that's not something that seems
20 unusual to you?

21 MS. KOSKI: Object to form.

22 A. I think it's possible. I think it's
23 possible. 167 over, you know, 13 years, what is
24 that, 10 a year.

25 Q. You do know that we're relying upon the

1 truth of your answers here today, don't you?

2 A. I do.

3 MS. KOSKI: Object to the form.

4 A. I do. I'm trying -- I'm trying to be --

5 Q. Okay.

6 A. -- truthful.

7 MS. KOSKI: And, again, Paul, if you want to
8 off the record ask us about the number of
9 documents that he doesn't know anything about,
10 you can ask us about it.

11 A. My assumption is you have all the data, so
12 I --

13 BY MR. PENNOCK:

14 Q. So at some point -- well, withdrawn.

15 So it -- I want to understand and be clear.
16 At no time before you left the company did you make
17 any effort to delete e-mails from you that related
18 to opioids?

19 A. No.

20 Q. Are you familiar with or you've heard of
21 the -- you know, the DEA letters that came from a
22 DEA agent in 2006 and 2007 regarding opioids?

23 A. Came to --

24 Q. To the company.

25 A. Not specifically, no.

1 MR. PENNOCK: Let's mark this as Exhibit 1,
2 and we'll mark this one as Exhibit 2.

3 I'll give you copies in just a second.

4 (Anda-Versosky Exhibit 1 was marked for
5 identification.)

6 (Anda-Versosky Exhibit 2 was marked for
7 identification.)

8 MS. KOSKI: Thank you.

9 Which one did you hand me? Is that 1 or 2?

10 BY MR. PENNOCK:

11 Q. Sir, we've marked as Exhibit 1 to your
12 deposition a document that appears to be from U.S.
13 Department of Justice Drug Enforcement
14 Administration.

15 A. Uh-huh.

16 Q. It's dated September 27th, 2006, right? Do
17 you see that?

18 A. I do.

19 Q. Okay. And then we've marked as Exhibit 2 to
20 your deposition a document that also appears to be
21 from the U.S. Department of Justice Drug Enforcement
22 Administration dated February 7th, 2007, right? Got
23 that?

24 A. I do.

25 Q. And if you look at the last page of both of

1 these exhibits, a Drug Enforcement Administration
2 deputy assistant administrator Joseph T. Rannazzisi
3 is the signatory. Do you see that?

4 A. I do.

5 Q. All right. Have you ever seen these
6 documents before?

7 A. Not that I can recall.

8 Q. Have you ever seen them reported on in the
9 media?

10 A. Not that I can recall.

11 Q. When you -- back in -- let's take the first
12 one in 2006, September 2006. When -- did anyone
13 ever discuss this communication with you at that
14 time?

15 A. Not that I remember. In 2006, I believe I
16 was still in my role in purchasing, so I wasn't on
17 the leadership team. At the point when I got to the
18 leadership team, I would have probably, you know,
19 had more visibility to something like this; but at
20 that point, I don't believe I did.

21 Q. So when you got to the leadership team, you
22 still don't recall these being brought to your
23 attention?

24 A. No.

25 Q. And do you recall any discussion about the

1 DEA's communication to the company regarding what
2 the company should be doing and not doing?

3 A. Sure.

4 MS. KOSKI: Object to form.

5 Q. You do recall that?

6 A. Yes.

7 Q. Okay. Let's look at the 2007 letter.

8 A. It's Number 2?

9 Q. Yes. If you might, feel free to read any
10 aspect of the letter that you want, but I wanted to
11 direct your attention to the next-to-last page.
12 It's Page 3. The pages are noted in the upper
13 left-hand corner.

14 MS. KOSKI: And you should take your time to
15 read whatever portion you think you need to.

16 A. Uh-huh.

17 Q. Okay. And I've highlighted here -- and
18 that's my highlight -- a line I'd like to read to
19 you. Tell me if I'm reading this correctly: "A
20 distributor seeking to determine whether a
21 suspicious order is indicative of diversion of
22 controlled substances to other than legitimate
23 medical channels may wish to inquire with the
24 ordering pharmacy about the following."

25 Do you see that statement?

1 A. I do.

2 Q. Okay. And then it goes on to list 10
3 different potential inquiries from a pharmacy. Do
4 you see that?

5 A. I do.

6 Q. Okay. Take a minute to read those 10,
7 please.

8 A. All right.

9 Q. Thank you.

10 When you became vice president for national
11 accounts in 2008, February 2008, did you have any
12 understanding as to the suggestions made by the DEA
13 in this -- in these 10 numbered points here?

14 MS. KOSKI: Object to form.

15 A. Yeah, I don't know that I knew that they
16 were specifically from this; but these are very
17 consistent with the things that our compliance team
18 was looking at or requiring of, you know,
19 salespeople to talk to their customers about.

20 Q. And in order for the compliance team to
21 effectively be in line with what the DEA wanted, the
22 salespeople would have to know, right?

23 MS. KOSKI: Object to form.

24 A. Yes.

25 Q. So in other words, the salespeople are sort

1 of where the rubber meets the road on much of the
2 compliance with what the DEA may have directed,
3 correct?

4 MS. KOSKI: Object to form.

5 A. Yes and no. All right. So it's
6 interesting. I would say the salespeople had a --
7 kind of a general understanding; but the -- their
8 role was to collect data and pass it to compliance
9 who had, you know, full authority to make a decision
10 of yes or no if we were going to sell a customer.

11 Q. Did you find when you got to this position
12 of director of -- sorry, vice president of national
13 accounts, that the salespeople were acting with
14 concern regarding opioids?

15 MS. KOSKI: Object to form.

16 A. My -- I would say my short answer is not
17 necessarily, but, again, that's only because they
18 weren't actively, you know, promoting opioids. You
19 know, the -- they were out promoting programs to
20 customers.

21 And one other point of clarification. When
22 you -- when you speak to the sales team, the team
23 that I'm responding on behalf of would be the
24 national account team, which was a, you know, I
25 think 8- to 10-person team at any given time, not

1 the larger 150-person telesales floor.

2 Q. Tell me what you mean when you say they were
3 not actively promoting opioids.

4 MS. KOSKI: Object to form.

5 A. Yeah. So "actively promoting opioids"
6 meaning it's not like there was a program out there
7 where we were trying to say, "Buy all your opioids
8 from us." You know, to my recollection, our only
9 promises were related to, "Buy your controlled
10 substances from us," unless there was, you know,
11 some arrangement between a manufacturer and a
12 customer.

13 Q. What percentage of your controlled
14 substances in 2008 were opioids versus other
15 controlled substances?

16 A. I don't know the answer to that.

17 Q. Did you know it back then?

18 A. No. Probably not at the beginning, but over
19 time I probably would have, you know, maybe a few --

20 Q. Are you able to estimate for me what that
21 percentage was?

22 A. If I were to take a guess, may -- you said
23 opioids, which I would guess --

24 MS. KOSKI: Object to form. Don't guess.

25 Q. I'm trying to assess if you're only out

1 promoting CIIs.

2 A. Sure.

3 Q. But if opioids were 99 percent of your CIIs,
4 then you're out promoting opioids, right?

5 MS. KOSKI: Object to form.

6 A. If -- if that's a case and you know that
7 answer, then yes, I'm wrong on that. I -- my
8 assumption is there are other CIIs outside of
9 opioids, but --

10 Q. There are.

11 A. Yeah.

12 Q. And I'm just giving you an example and
13 that's why --

14 A. Sure.

15 Q. So you say you were not out actively
16 promoting opioids, right?

17 A. Yes.

18 Q. That's your testimony?

19 A. Yes.

20 Q. All right. But you also say you don't know
21 what the percentage of opioids was of the CII
22 programs you were promoting, correct?

23 A. Correct.

24 And when you asked would I have known that
25 number then, I don't know that I would have known

1 that number. I would have known the number of
2 controlled substances overall versus, you know, like
3 the total sales of the -- you know, total sales
4 versus controlled sales; and that was probably, you
5 know, that was low, 10 percent maybe. I don't know.

6 Q. So when you became vice president for
7 national accounts, you did not undertake any steps
8 to understand what the percentage of CIIs,
9 controlled substances, were opioids?

10 A. No.

11 Q. And that's -- the same is true when you
12 became vice president for sales and marketing, you
13 did not undertake to ascertain what percentage of
14 overall controlled substances sales were opioid
15 sales?

16 A. I never looked at it that way, no.

17 Q. At some point, the Anda company had
18 threshold limits that they set for purchasers of
19 opioids, right?

20 A. Correct.

21 MS. KOSKI: Object -- object to form.

22 Q. And do you know what that limit was?

23 A. No.

24 Q. So I'd like to understand this. So you --
25 do you recall that the company set a benchmark

1 threshold back in 2007 to permit customers to
2 purchase up to 5,000 dosage units of opioids per
3 month?

4 MS. KOSKI: Object to form.

5 A. Yeah. So it sounds familiar. I would say
6 again, 2007 was kind of -- you know, I was sort of
7 in purchasing. I don't -- I didn't have as much
8 broad experience to what else was happening; but it
9 sounds familiar, yes.

10 Q. Sir, you -- you are aware that there is
11 something out there called "the opioid crisis" in
12 this country?

13 MS. KOSKI: Object to form.

14 Q. Aren't you?

15 A. Yes.

16 Q. And you are aware that it is -- there's data
17 that as many as 200,000 people have died from opioid
18 overdoses, right?

19 A. Yes.

20 MS. KOSKI: Object to form.

21 Q. And you are aware that there are
22 allegations, to say the least, that much of the
23 opioids crisis is generated through the use of
24 prescription opioids, right?

25 MS. KOSKI: Object to form.

1 A. Yes.

2 Q. So the reason I ask this question is that
3 you -- it seems that you've not -- well, let me
4 withdraw that.

5 You -- at what point did you become familiar
6 with those assertions that are out there in the
7 world regarding the number of people that have died,
8 the fact that there is an opioid crisis, the fact
9 that it seems to have substantially got going
10 because of prescription opioids? When did you first
11 become aware of all that?

12 MS. KOSKI: Object to form.

13 A. Yeah, I think, you know, sort of as with
14 everything else, the visibility to a situation like
15 that grew over time, right? So if you want to judge
16 2000 based on, you know, today's understanding of
17 the -- of the issue, it's -- that's challenging.
18 You know, all I can tell you is related to 2007, I
19 was not, you know, really that big of a deal in the
20 Anda organization as far as seeing other things.

21 Would I have been aware of that? Very
22 possibly I would have been aware of that. I don't
23 recall that limit specifically. Over time the
24 limits, you know -- your initial question related to
25 do you remember what the limit was.

1 The limits were, I believe, placed by a
2 customer, so I don't know that there is any specific
3 answer to that with the exception of potentially if
4 that was the first limit that was placed before my
5 knowledge, then maybe there was.

6 Q. Yeah. Well, you get what I'm driving at. I
7 mean, have you -- have you at any time since you --
8 let's just say since you left the company sat back
9 and thought through in your head how things
10 progressed with respect to your involvement with the
11 promotion of controlled substances at Anda and how
12 it may have contributed to this crisis?

13 MS. KOSKI: Object to form; mischaracterizes
14 testimony.

15 Q. Have you thought about that?

16 A. Of course. Yeah. My -- you know, the
17 interesting thing -- and I'm sure you'll be talking
18 to other people from Anda -- I think we felt we had
19 a responsibility, and we were always trying to be
20 cautious.

21 Q. Okay.

22 A. And I'll say from a sales standpoint, you
23 know, the feedback we would receive from customers
24 is that we were always, you know, more restrictive
25 than, you know, anybody else they were buying from.

1 And that's -- you know, our compliance team was
2 tough. I feel like we had good, stringent policies.

3 Q. Sir, back at the time that you were with
4 Anda, is it your view that you -- you and Anda
5 recognized that you had a responsibility with
6 respect to opioids?

7 MS. KOSKI: Object to form.

8 Q. And is it your view that back at the time,
9 that you and those under you and the company was
10 trying to be cautious with respect to opioids?

11 A. Yes, with all controls.

12 Q. With all controls as well? Okay.

13 (Anda-Versosky Exhibit 3 was marked for
14 identification.)

15 MR. PENNOCK: Could you please mark this as
16 Exhibit 3 to Mr. Versosky's deposition.

17 MS. KOSKI: Counsel, just as a matter of
18 practice, can I get the document from the witness
19 so just in case -- I don't expect you're going to
20 give him something of -- objectionable; but just
21 before he sees it, if I can see it, it would be
22 helpful, just as a matter of procedure?

23 MR. PENNOCK: Oh, that's -- that's fine.

24 Yeah. Of course. Just remind me.

25 BY MR. PENNOCK:

1 Q. Sir, I've marked as Exhibit 3 to your
2 deposition an e-mail thread. The top e-mail is
3 dated Thursday, July 24, 2008. Do you have that?

4 A. I do.

5 Q. Okay. And I will tell you that I don't
6 believe you were on this e-mail thread from what I
7 can tell. Okay?

8 A. Yes, I see that.

9 Q. So in case you were wondering?

10 A. Yeah.

11 Q. I don't think you were. All right.

12 But you know who Michael Cochrane was?

13 A. Yeah. Michael ran compliance.

14 Q. He ran compliance, meaning that Michael
15 Cochrane ran that part of the Anda business that was
16 in charge of making sure that the -- whatever you
17 were doing with controlled substances was compliant
18 with the regulation and directives from the
19 government?

20 MS. KOSKI: Object to the form.

21 A. Choosing which --

22 Q. Fair statement?

23 A. -- which customers we were willing to sell
24 controls to or not, yes.

25 Q. Okay. So --

1 A. And Brian Witte ran the -- that he was the
2 other lead of sales that ran the larger telesales
3 group.

4 Q. Okay. And incidentally, what was the
5 telesale -- what did the telesales people do?

6 A. So that -- that's the -- that's the basic of
7 what Anda's business is, is that they call
8 mom-and-pop pharmacies and try to sell them
9 products.

10 Q. Okay. All right. Well, could you turn to
11 the third page of this Exhibit 3, please?

12 A. Sure.

13 Q. And for the record, I'm going to read the
14 starting Bates number. This is
15 Anda_Opioids_MDL_0000152299.

16 MR. PENNOCK: Do I have to do that every
17 time?

18 MS. KOSKI: That's the cover page?

19 MR. PENNOCK: That's the front first page.

20 MS. KOSKI: I will -- if you want a
21 stipulation, that as long as that's the prefix of
22 the document, you can use some shorthand of the
23 numbers at the end. That's fine with me.

24 MR. PENNOCK: That would be great. I'd
25 rather not to have to read them at all.

1 MS. KOSKI: Yeah. Obviously, if it doesn't
2 have that prefix, we should say something.

3 MR. PENNOCK: Okay. Thank you for that. So
4 I'll just read the digits the next time.

5 MS. KOSKI: That's fine.

6 BY MR. PENNOCK:

7 Q. Okay. And this document ends at 301.

8 Okay. Could you -- do you see that third
9 page?

10 A. I do.

11 Q. Have you had an opportunity to read that?

12 A. I haven't, no.

13 Q. Okay. Please do that.

14 A. Okay.

15 Q. Thank you, sir.

16 Reading that, does that refresh your
17 recollection as to the 5,000 dosage unit limit per
18 month that I asked you about earlier?

19 MS. KOSKI: Object to form.

20 A. Again, I'm -- I feel like I'm aware of that.
21 Specifics, not really.

22 Q. You're not really aware of it as we sit here
23 today, but you're not sure what your awareness was
24 going back when you were at the company?

25 A. I would say I feel like I remember that this

1 was happening; but again, I, you know, like, changes
2 in this and kind of that time frame, I mean, I
3 just -- I was more focused on the national account
4 side and kind of launching that than what was really
5 happening on the telesales floor. But, yes, I guess
6 I have some cursory knowledge of this.

7 Q. Okay. Well, so you -- with respect to
8 selling to national chains --

9 A. Yeah.

10 Q. -- or large chains, you certainly still
11 needed to be aware of any dosage unit limit that
12 individual stores for those chains might have,
13 right?

14 A. Yes.

15 Q. And you needed to be aware of that because
16 once -- well, let's -- let me rephrase.

17 You would -- you were responsible at one
18 point for getting these large chains to become Anda
19 customers, right?

20 A. Yes.

21 Q. And part of being an Anda customer is you
22 wanted to promote to them a CII program --

23 A. Yes.

24 Q. -- controlled substances program, right?

25 A. Yes.

1 Q. But part of that is each of the individual
2 stores for the chain had to comply with the --
3 whatever limits were set for the stores, right?

4 A. Yes.

5 MS. KOSKI: Object to the form.

6 A. But again, you know, to my clarification
7 earlier, you know, like 2008, we didn't really have
8 big business there, you know. It evolved over time,
9 you know. So the thought that a large chain was
10 working with us in 2008, they weren't, right.

11 But I would say generally, you know,
12 you're -- generally you're correct, I would have
13 been aware in some form or fashion.

14 MR. PENNOCK: Mark this as Exhibit 4,
15 please.

16 (Anda-Versosky Exhibit 4 was marked for
17 identification.)

18 MR. PENNOCK: Just hold that till counsel
19 sees it.

20 MS. KOSKI: Okay. Thank you.

21 BY MR. PENNOCK:

22 Q. Sir, we've marked as Exhibit 4 to your
23 deposition an e-mail from Marc Falkin --

24 A. Uh-huh.

25 Q. -- dated November 1st, 2007. You mentioned

1 him earlier. Who is Marc Falkin?

2 A. Marc Falkin was a -- he was an executive
3 with Anda for many years. He held the roles of VP
4 of purchasing, I believe VP of marketing. He ran
5 the telesales floor at one point. He held many
6 different roles, kind of -- while I was there.

7 In this specific case, I don't know if it
8 was -- he was sending this from a position of
9 running sales or running marketing, but it probably
10 would have been one of those two in 2007.

11 Q. He certainly sent it to everybody, didn't
12 he?

13 MS. KOSKI: Object to form.

14 Q. I mean that literally. He seems to have
15 sent it to everyone involved in sales or marketing
16 at the company.

17 MS. KOSKI: Object to form.

18 Q. Do you agree with that?

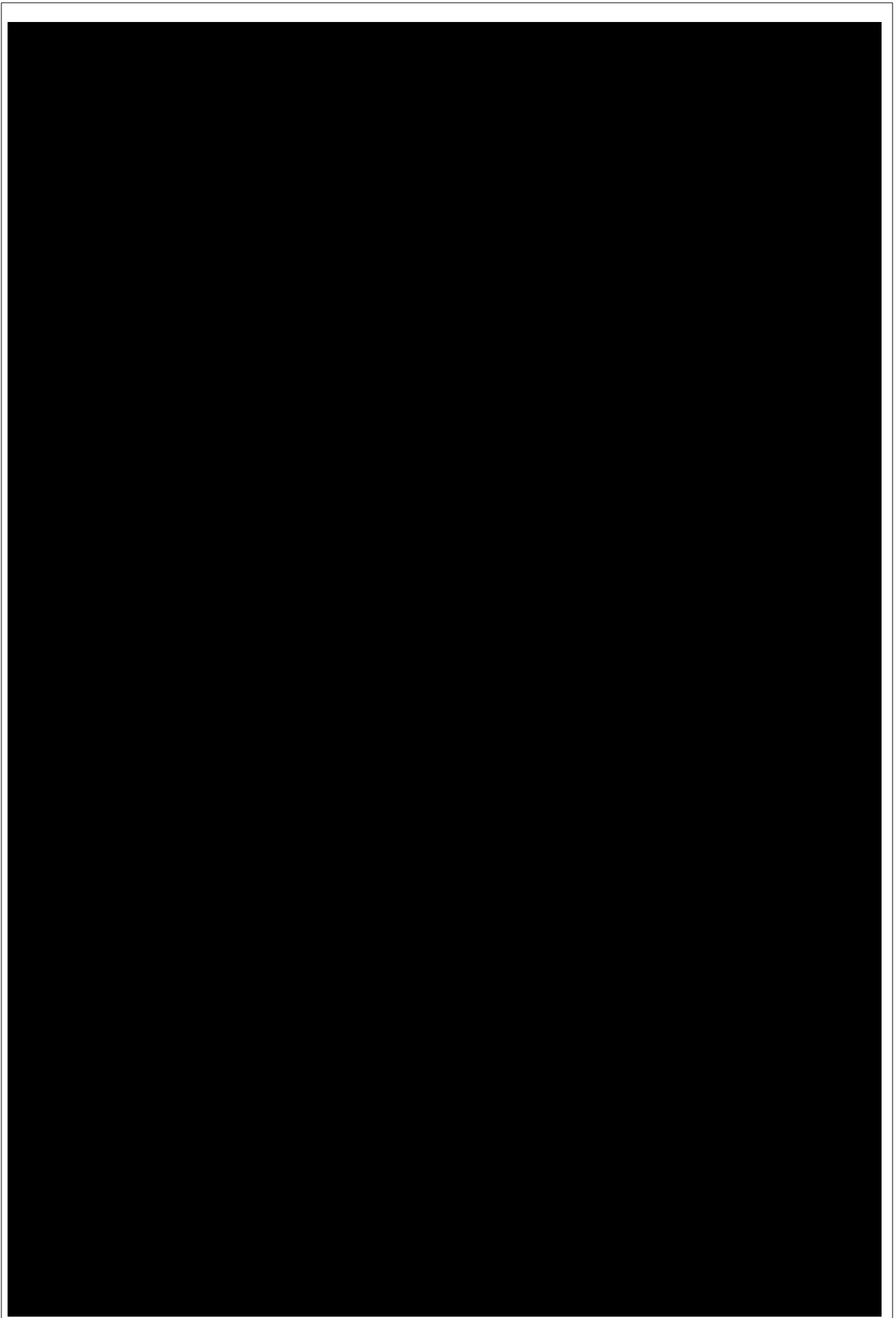
19 A. Yes.

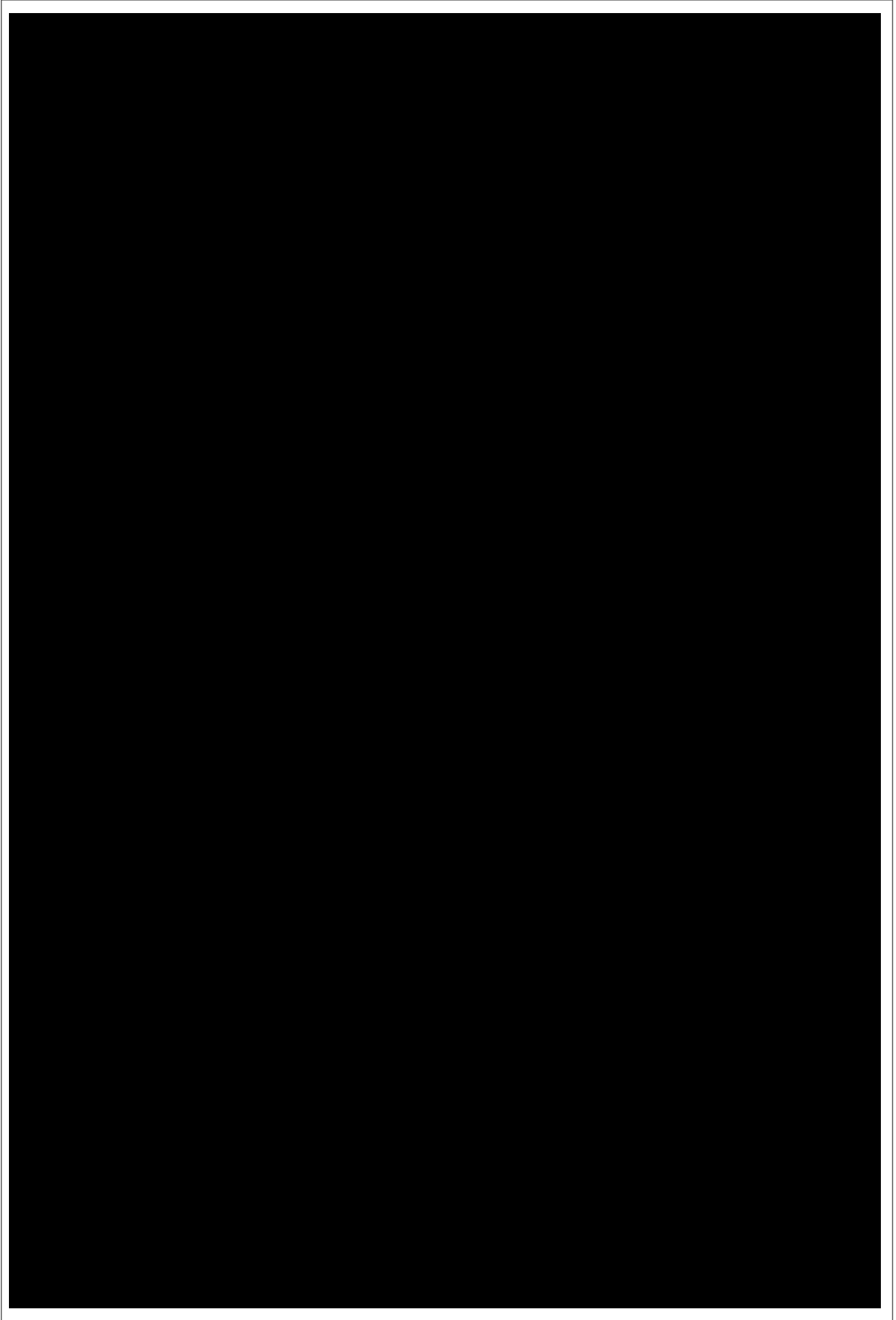
20 Q. Okay. And you were one of the people named
21 about nine-tenths down this list, correct?

22 A. I don't see my name on there, but I'm sure
23 it is.

24 Q. It's --

25 A. Yeah, that's me.





[REDACTED]

12 MR. PENNOCK: We'll mark this, please.

13 (Anda-Versosky Exhibit 5 was marked for

14 identification.)

15 MS. KOSKI: Okay. Thank you.

16 MR. PENNOCK: Katy, I have a couple of legal

17 assistants I'm going to have come into the depo

18 at this point.

19 Can you go get them?

20 MS. KOSKI: Do you want to take a break so

21 they can --

22 MR. PENNOCK: It's just going to take a

23 second.

24 MS. KOSKI: They can come in that door

25 maybe.

1 BY MR. PENNOCK:

2 Q. Sir, have you had an opportunity to look at
3 that? I specifically want to direct your attention
4 to the paragraph that begins "Teva Matrix Patches"
5 on Page 2.

6 MS. KOSKI: If you need to read the whole
7 thing, take your time.

8 THE WITNESS: Yeah, I'm going to read it
9 real quick. Sorry.

10 A. Okay. I've read it.

11 BY MR. PENNOCK:

12 Q. Thank you.

13 Mr. Versosky, we've marked as Exhibit 5 to
14 your deposition a document entitled "Leadership
15 Meeting, March 17, 2009 Minutes."

16 A. Yes.

17 Q. Do you see that?

18 And these are minutes, meaning somebody took
19 notes and then -- from the meeting and then typed
20 them up, right?

21 A. Yes.

22 Q. And these meeting minutes were prepared at
23 or about the time of the meeting, right?

24 A. Sure. Yeah.

25 Q. And they were prepared and maintained in the

1 regular course of business of Anda, right?

2 A. Yes.

3 Q. Okay. And your -- your name appears on here
4 as an attendee at the meeting?

5 A. Yes.

6 Q. You -- so as of this time, you were -- you
7 were vice president for national accounts, right?

8 A. Correct.

9 Q. But when you became vice president for
10 national accounts, you moved into the leadership
11 role --

12 A. Yes.

13 Q. -- for the whole company, right?

14 MS. KOSKI: Object to form.

15 Q. You moved into a leadership role for Anda?

16 A. Yes.

17 Q. All right. And Al Paonessa --

18 A. Al.

19 Q. -- Al, sorry -- Al Paonessa, who is that?

20 A. Al was president of Anda.

21 Q. All right. Now, so the -- y'all had a
22 meeting in March of 2009, right? And the purpose --
23 right, correct?

24 A. Correct.

25 Q. And the purpose of that meeting was to

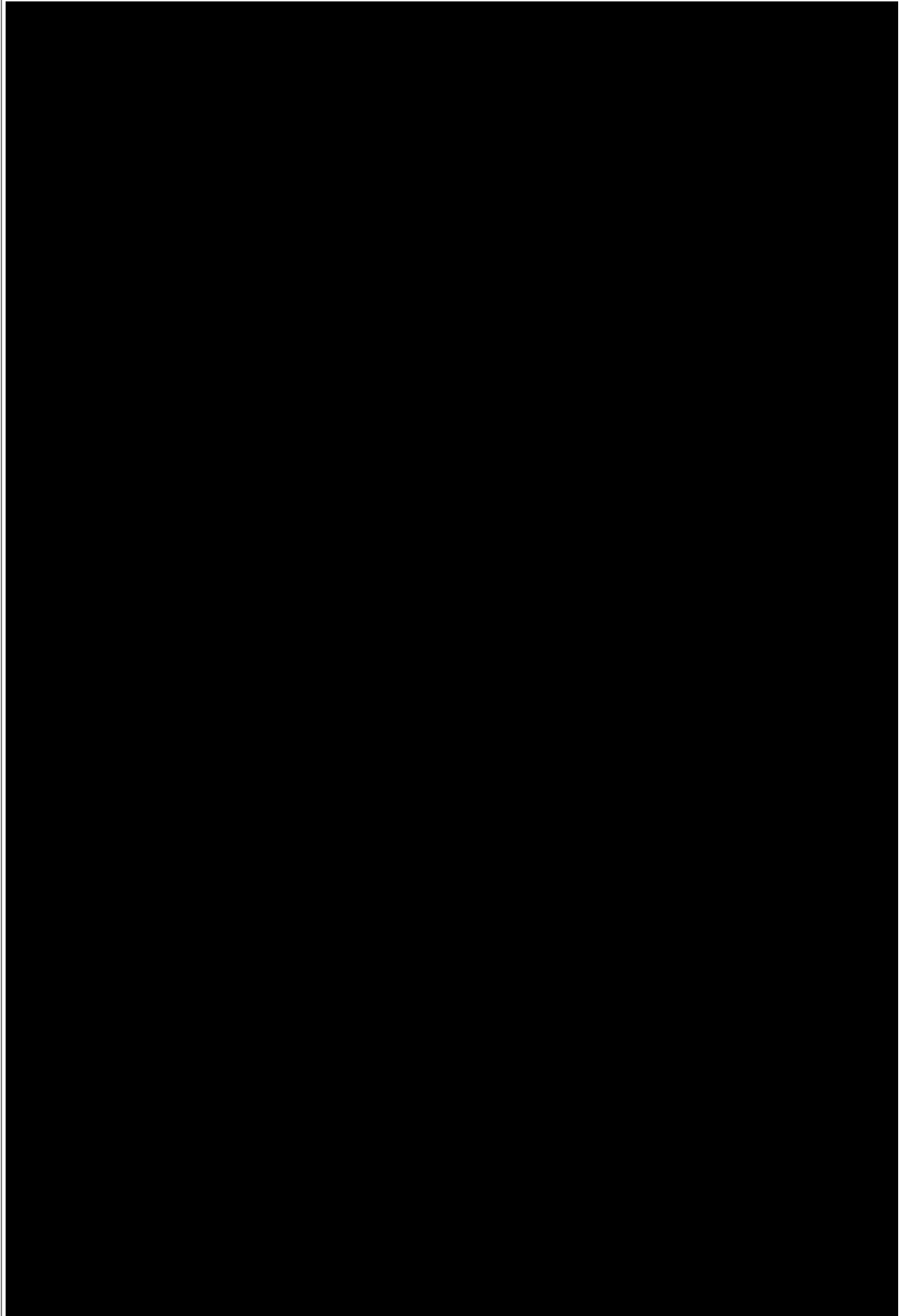
1 discuss any issues that people on the leadership
2 team thought might be raised with the rest of the
3 leadership, right?

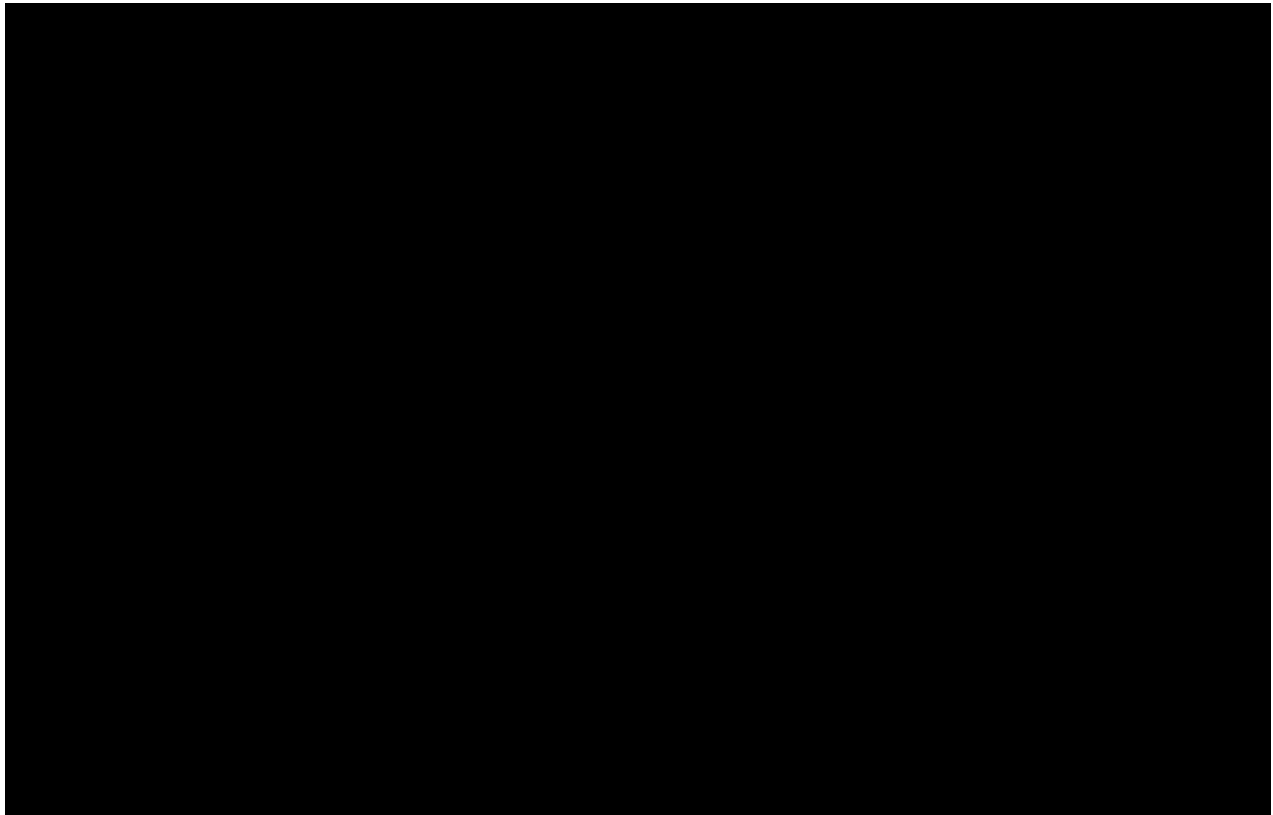
4 A. Correct.

5 Q. And you'd have a -- you had a discussion
6 about these issues, and then maybe some conclusions
7 were drawn on each of the issues and some action
8 items, right?

9 A. Yes.








12 Q. Earlier you told us that you think everyone
13 acted -- recognized the responsibility that you had
14 for opioids, right? Do you remember saying that?

15 A. Absolutely. Uh-huh.

16 MS. KOSKI: Object to form.

17 Q. You said that you believed that everyone
18 acted cautiously with respect to opioids. Do you
19 remember saying that?

20 A. Absolutely.





6 Q. Well, I mean, these minutes are intended to
7 be an important record of the leadership of this
8 company getting together and meeting in person,
9 right?

10 MS. KOSKI: Object to form.

11 A. I would say that's a misrepresentation of
12 what the meeting minutes were.

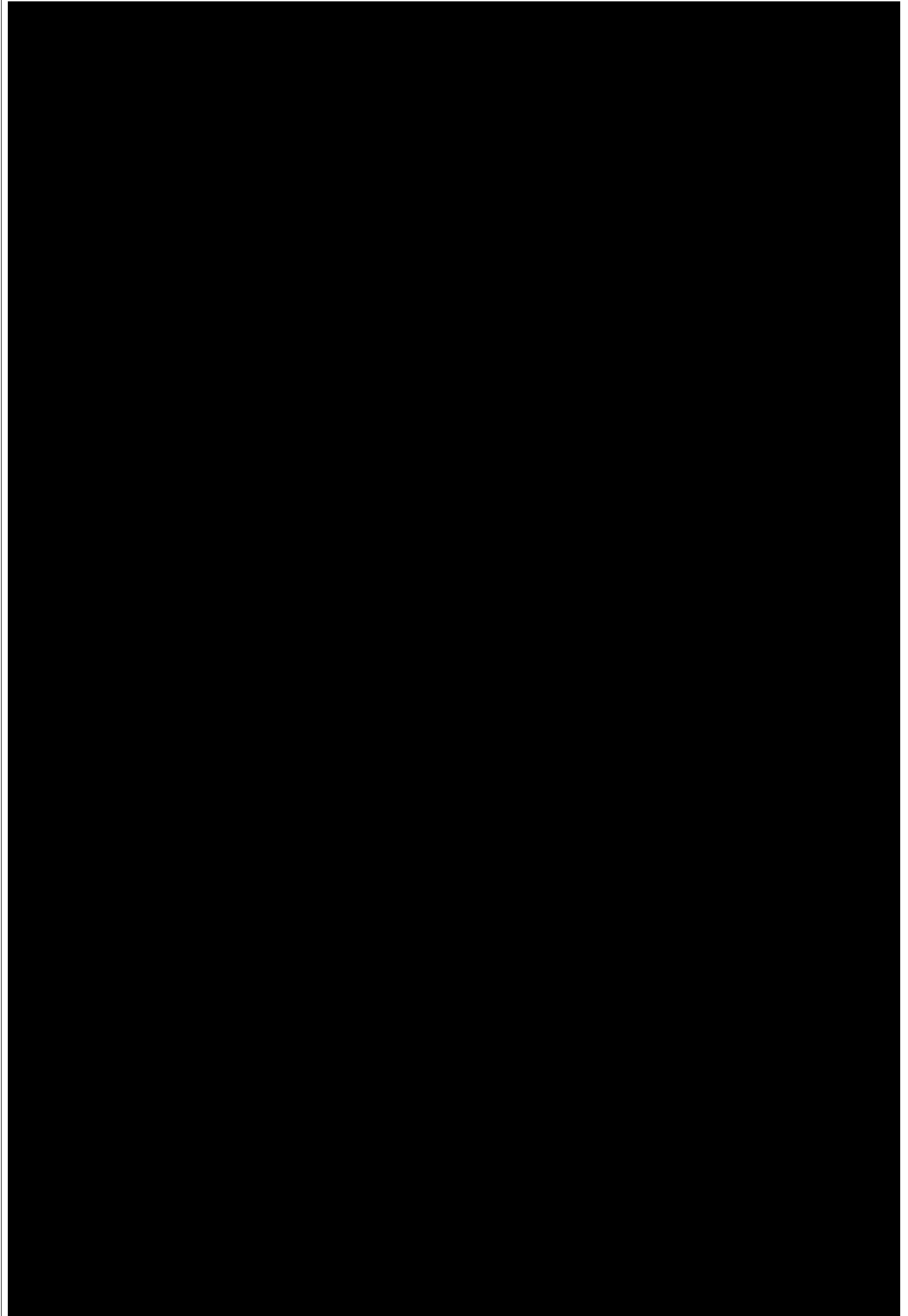
13 Q. Oh, really?

14 A. I -- yeah. I --

15 Q. Well, what do you think meeting minutes were
16 for?

17 MS. KOSKI: Object to form.

18 A. I -- I would say for this leadership meeting
19 at that period of time, I'm -- I don't know that we
20 had meeting minutes, you know, for a majority of the
21 meetings. You know, so, yes, were they a record of
22 what happened in the meeting? Sure, they were, for
23 distribution to us, frankly, to try to keep people
24 moving forward on the things that we committed to in
25 the meeting.



9 Q. But it's your testimony that -- that people
10 at the company would not have acted without caution
11 with respect to opioid products? Is that your
12 testimony?

13 A. Yes.

14 Q. Do you know who Rachelle Vance was?

15 A. Yes.

16 Q. Who was she?

17 A. Rachelle was a national account manager on
18 my team.

19 Q. She was on your team?

20 A. She was.

21 Q. Okay. With respect to any sale that might
22 be possible to a customer, you-all had a term for
23 those. You called them "opportunities," right?

24 A. Sure.

25 Q. Didn't you use that term a lot?

1 A. As a --

2 Q. As a term for a potential sale?

3 A. I guess, yeah, sure.

4 Q. You don't remember that?

5 A. I know the definition of the word
6 "opportunity" and I use the word "opportunity," but
7 as a formal -- you know, from a reporting standpoint
8 or anything, I don't know that. I believe
9 "opportunity" was used in Remedy, our process
10 management system, that -- that may be what you're
11 referring to from a --

12 Q. So didn't -- didn't you --

13 A. An "opportunity" would have been something
14 we would have been working on, sure.

15 Q. When you and the salespeople used the term
16 "opportunity," quote/unquote --

17 A. Sure.

18 Q. -- to mean a potential sale of a product?

19 MS. KOSKI: Object to form.

20 A. Yes.

21 Q. Right?

22 A. Yes.

23 Q. So even for opioids, you would say -- you
24 would call the potential sale of opioids an
25 "opportunity"?

1 A. Yes.

2 Q. Okay. Even though it was a controlled
3 substance?

4 A. Yes.

5 Q. A CII?

6 A. Yes.

7 MR. PENNOCK: Would you mark that, please.

8 (Anda-Versosky Exhibit 6 was marked for
9 identification.)

10 BY MR. PENNOCK:

11 Q. Sir, we've marked as Exhibit 6 to your
12 deposition an e-mail dated February 1st, 2010.

13 A. Sure.

14 Q. And take a second and read that, please.

15 A. Okay.

16 Q. So this e-mail was sent by one of your
17 people, Rachelle Vance, to Michael Cochrane --

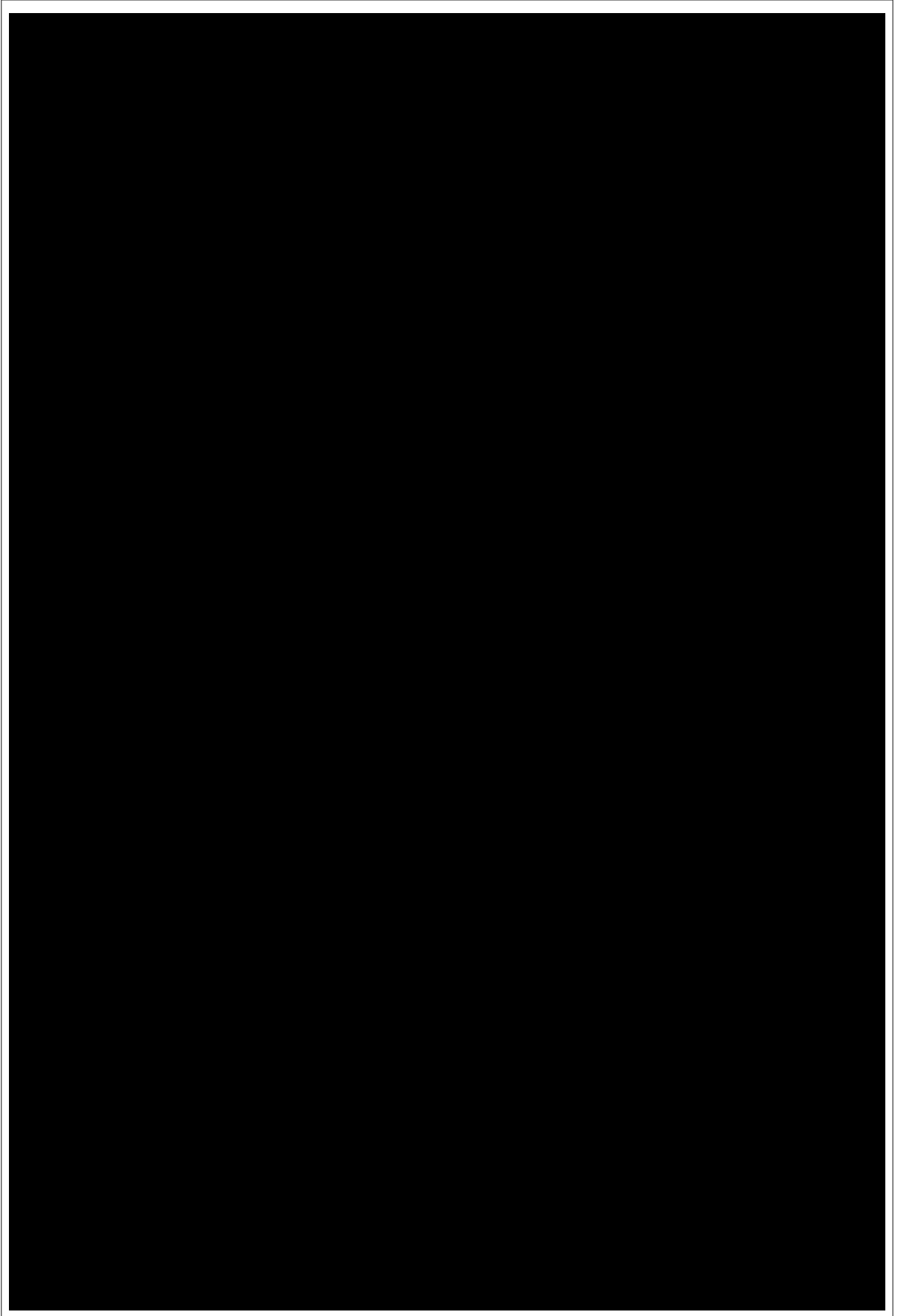
18 A. Uh-huh.

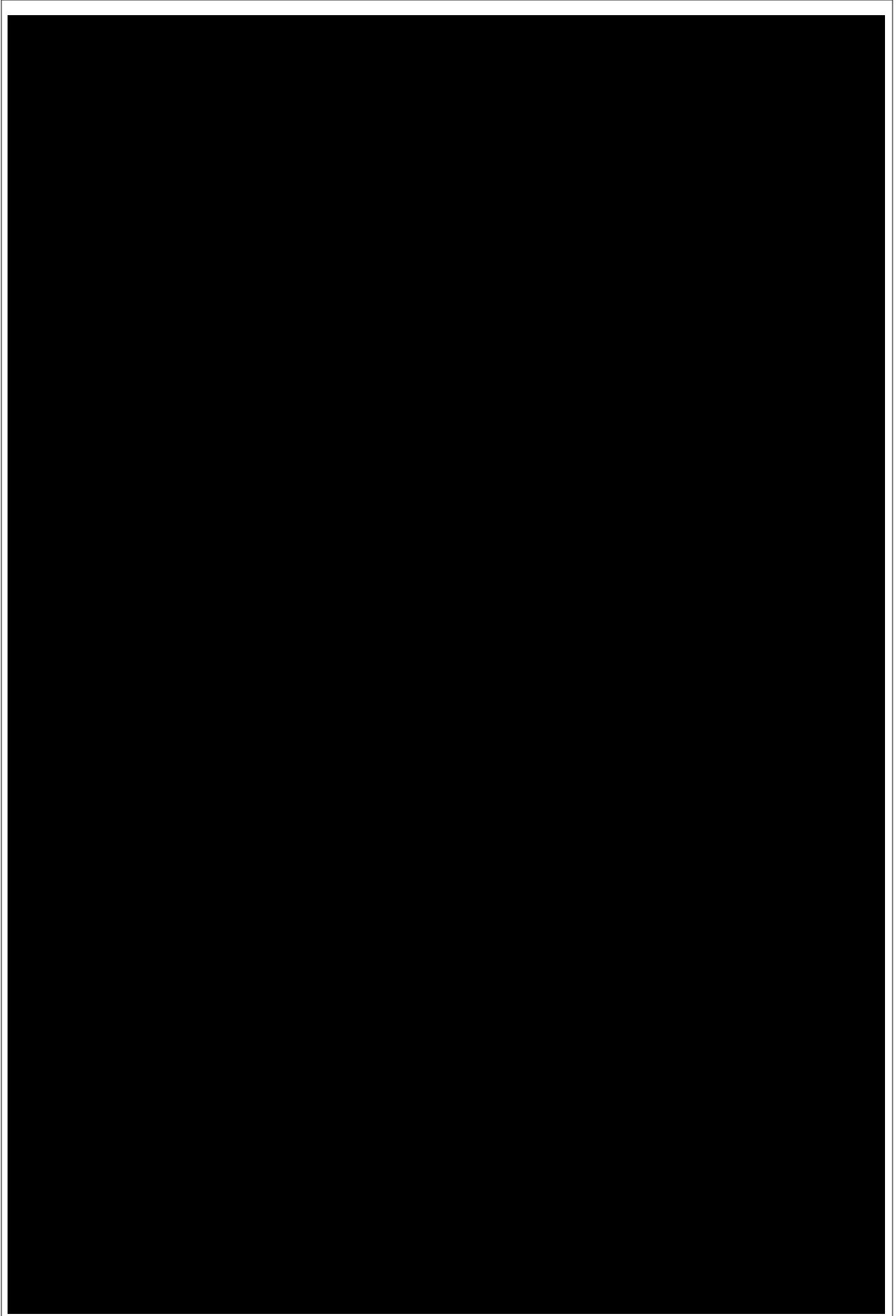
19 Q. -- who was in charge of compliance, but also
20 to you, right, Marc Falkin and Kim Bloom, right?

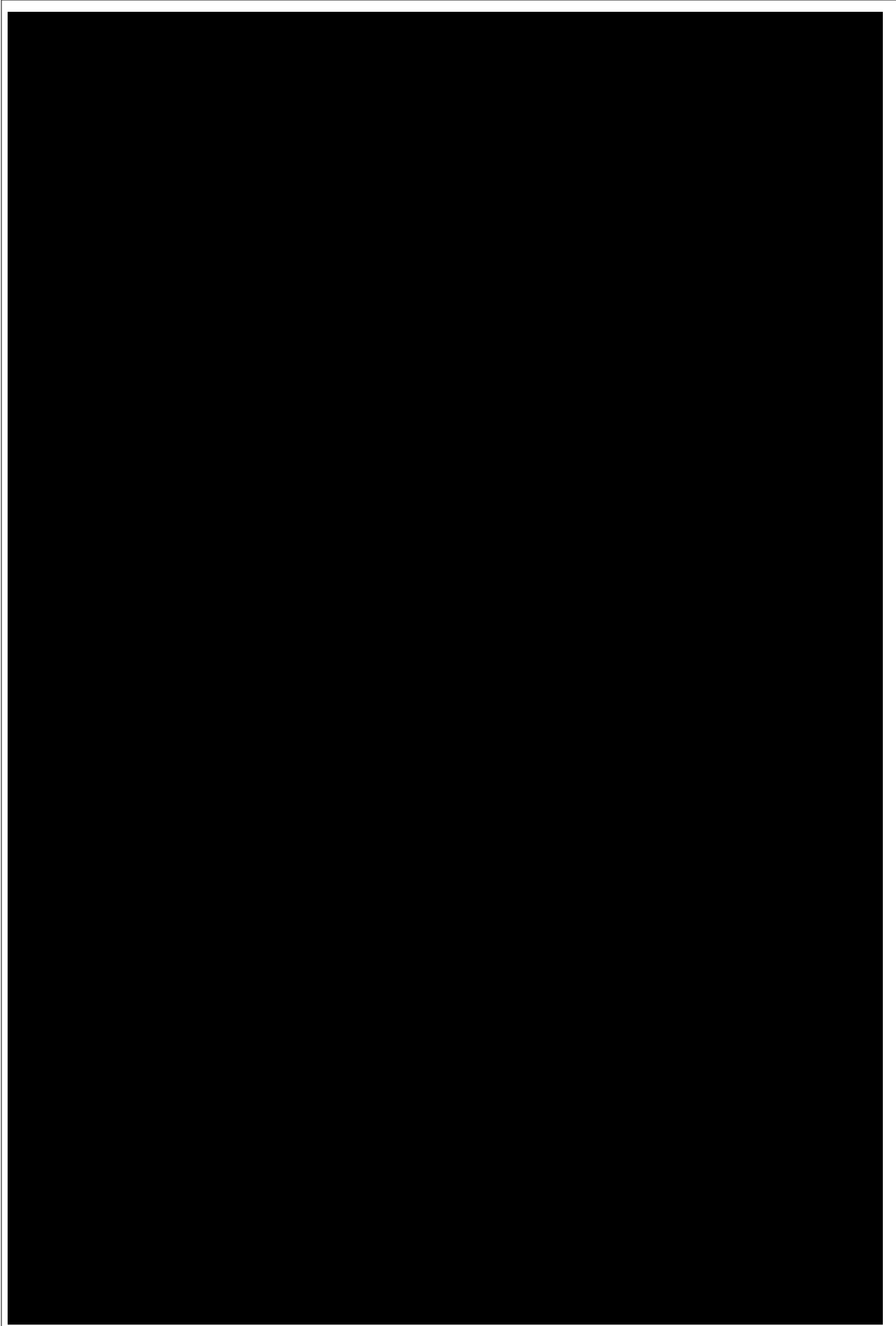
21 A. Yes.

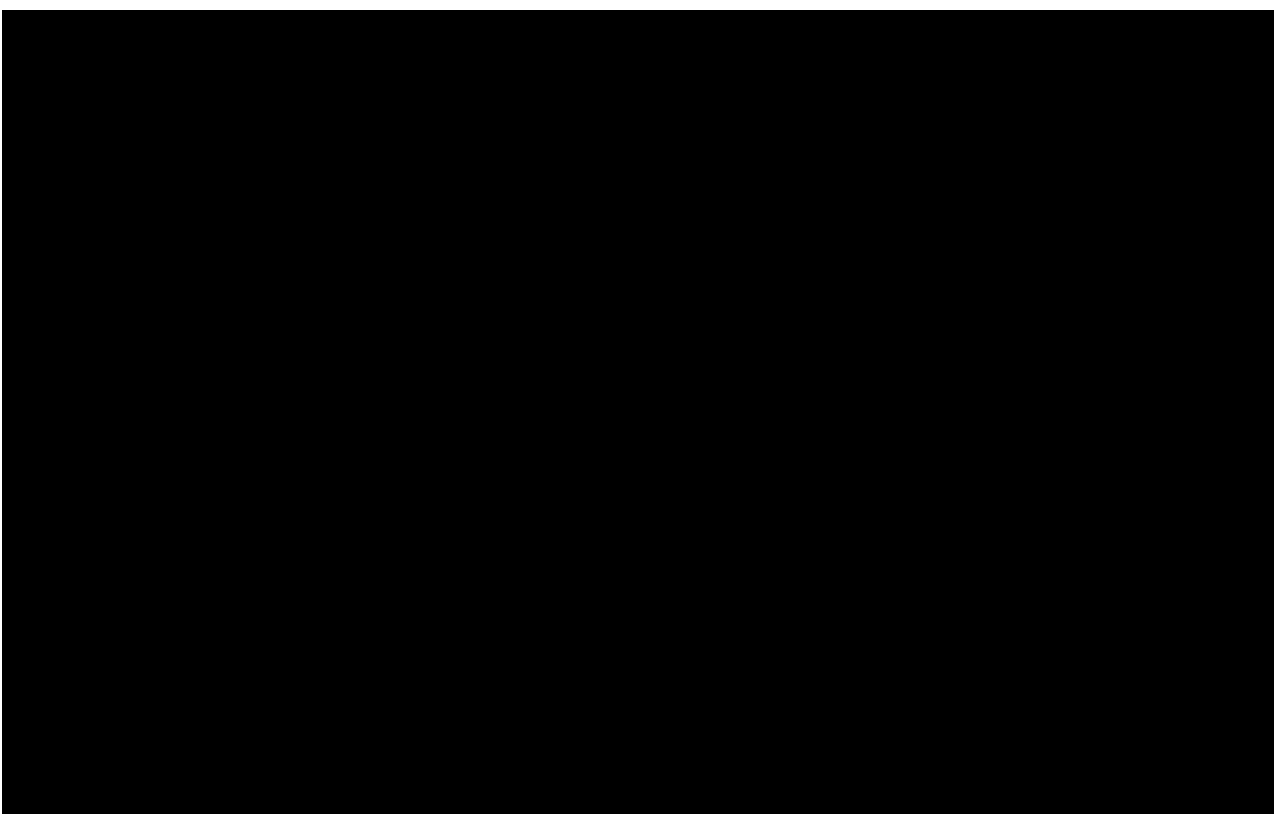
22 Q. Falkin and Bloom were involved in sales,
23 right?

24 A. Yes.







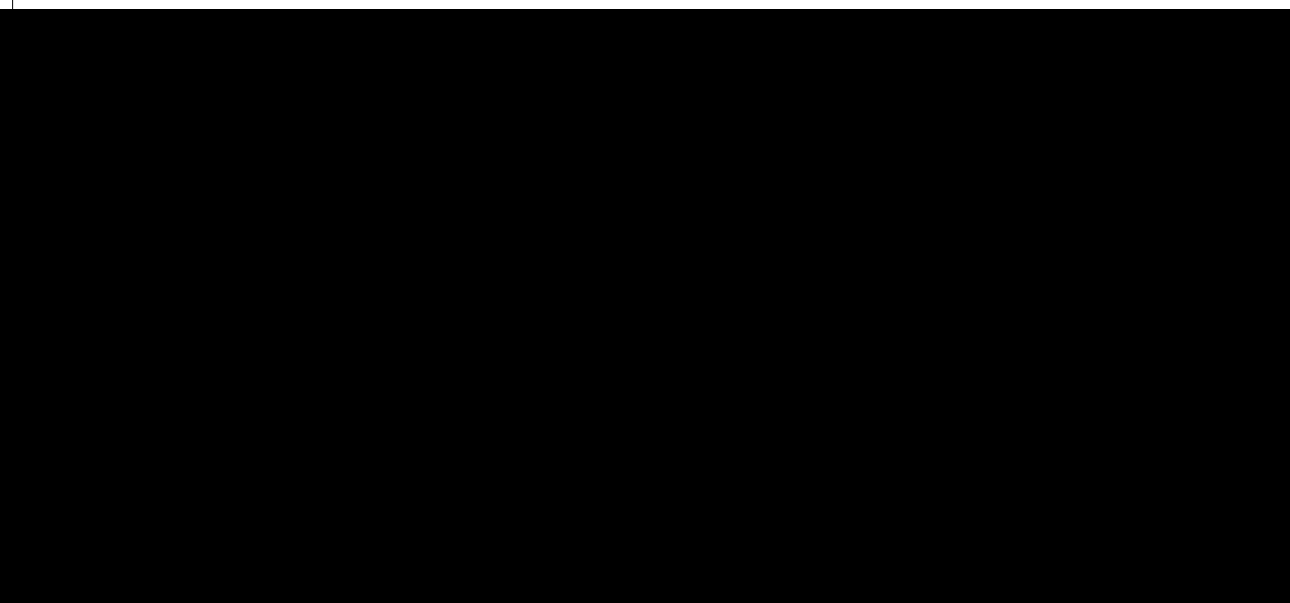


12 Q. Well, you said earlier that you believed
13 everyone looked at -- recognized their -- the
14 responsibility that they had with opioids?

15 A. Uh-huh.

16 Q. Right?

17 A. Yes.



1 Q. And --

2 A. But, again, that's looking at an e-mail
3 from, you know, eight years ago through today's
4 lens, you know.

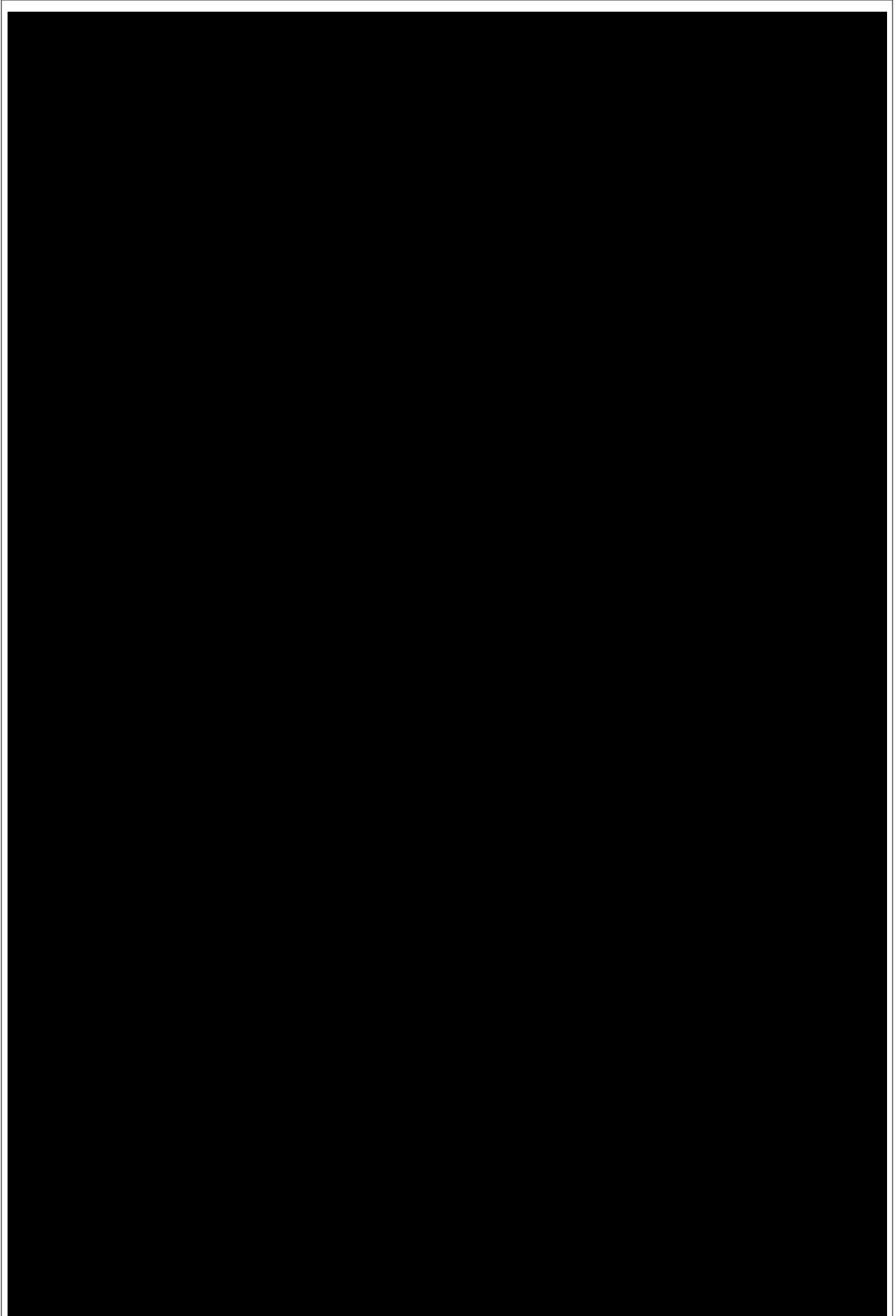
5 Q. So at that -- at that time, there was -- are
6 you saying people inside Anda -- withdrawn.

7 At that time are you saying that you did not
8 have an understanding as to the seriousness of
9 opioid distribution in terms of the risks associated
10 with their use?

11 A. No, that's not what I'm saying.

12 MS. KOSKI: Object to form.







7 Q. No. In term -- I'm not asking -- I'm asking
8 in general. You said that -- you said that Rachelle
9 would be an advocate for her customer?

10 A. Yes.

11 Q. And -- right?

12 A. Yes, I did.

13 Q. And would be pushing you and compliance to
14 get limits increased, right?

15 A. The --

16 MS. KOSKI: Object to form; mischaracterizes
17 his testimony.

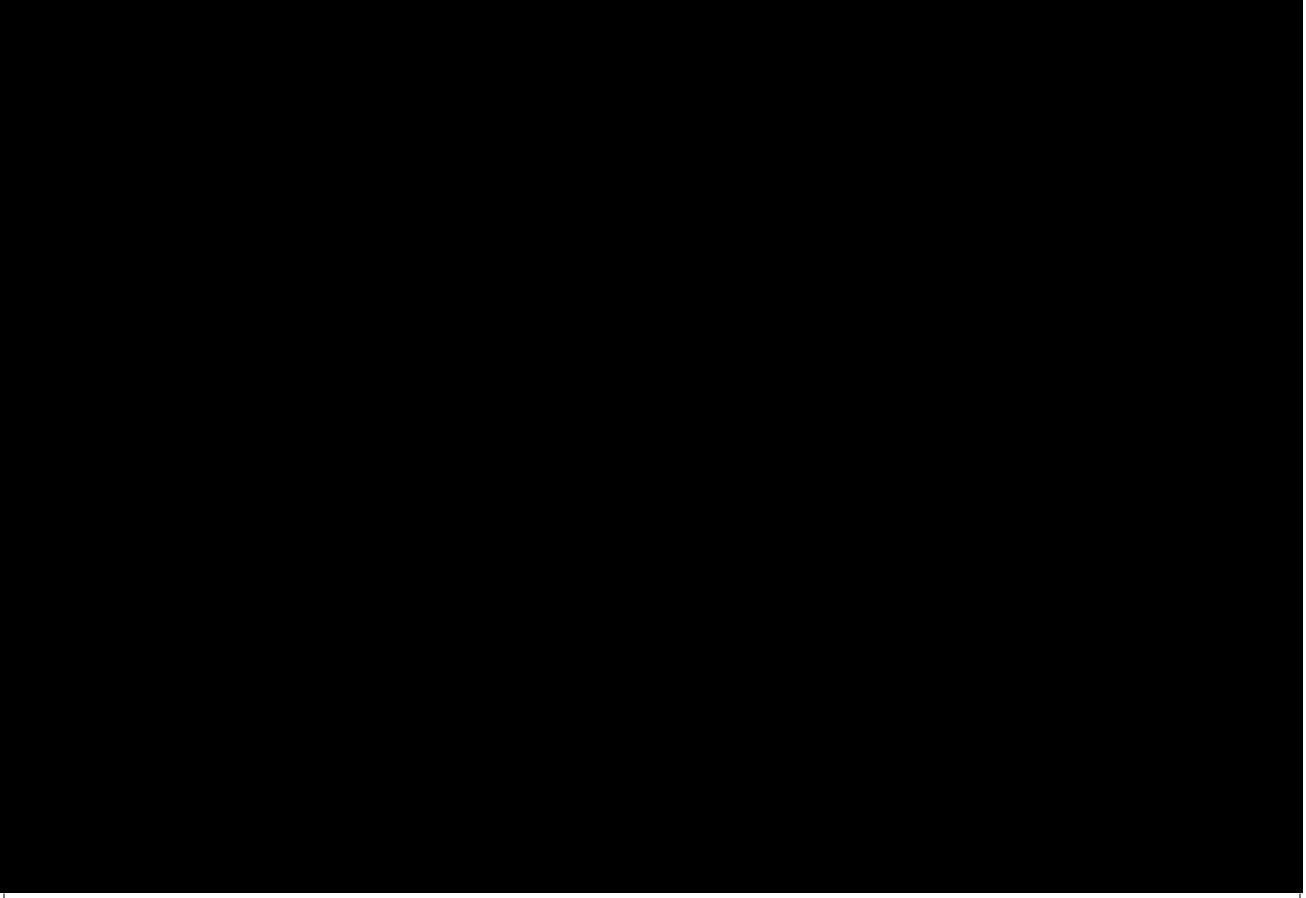
18 Go ahead.

19 A. Her ask would have been for them to relook
20 at a store, right? So stores had their own
21 individual limits, I believe, by this point. So,
22 you know, that would have been her ask.

23 Your question about wouldn't I have trained
24 them to not do this, stores had their own individual
25 limits. So if they were potentially set arbitrarily

1 too low, we would have wanted them to potentially
2 ask and say, "Can you relook at this?" There may
3 have been some additional data that was needed.

4 As a secondary in the market, it was a
5 little more difficult for us to get at dispense data
6 than, you know, call it a primary wholesaler,
7 because the primary wholesaler, they are buying 90
8 some-odd percent of their drugs through that person,
9 so they can run some kind of internal -- internal
10 data to calculate potentially their limits. For us,
11 it was a little more difficult.



24 MR. PENNOCK: Mark this, please.

25 MS. KOSKI: Are we at 7?

1 MR. PENNOCK: Yeah.

2 MS. KOSKI: Thank you.

3 (Anda-Versosky Exhibit 7 was marked for
4 identification.)

5 BY MR. PENNOCK:

6 Q. I have marked as Exhibit 7 to Mr. Versosky's
7 deposition Bates number 0000077935 through 938.

8 Sir, could you please take a moment and look
9 at that?

10 A. Yes.

11 MS. KOSKI: Is this set up so it's the
12 earliest in time is at the back then it moves
13 forward?

14 MR. PENNOCK: I'm sorry. What's your
15 question?

16 MS. KOSKI: The first e-mail in time is at
17 the back and then it moves forward and --

18 MR. PENNOCK: That's correct.

19 MS. KOSKI: Okay.

20 BY MR. PENNOCK:

21 Q. Are you ready, sir?

22 A. Just give me one more second, I'm sorry.
23 I'm on the last section here.

24 Okay. I think I'm ready.

25 Q. This is an e-mail thread that starts with an

1 e-mail, again, sent by Ms. Vance.

2 A. Uh-huh. Yes.

3 Q. And the e-mail is sent to a number of
4 people. Ms. Vance, again, she worked for you in
5 national accounts, right?

6 A. Yes.

7 Q. And she sent the e-mail to Kim Bloom. She
8 was also in national accounts?

9 A. No. Kim -- Kim never worked for me. I took
10 over national accounts from Kim.

11 Q. Okay.

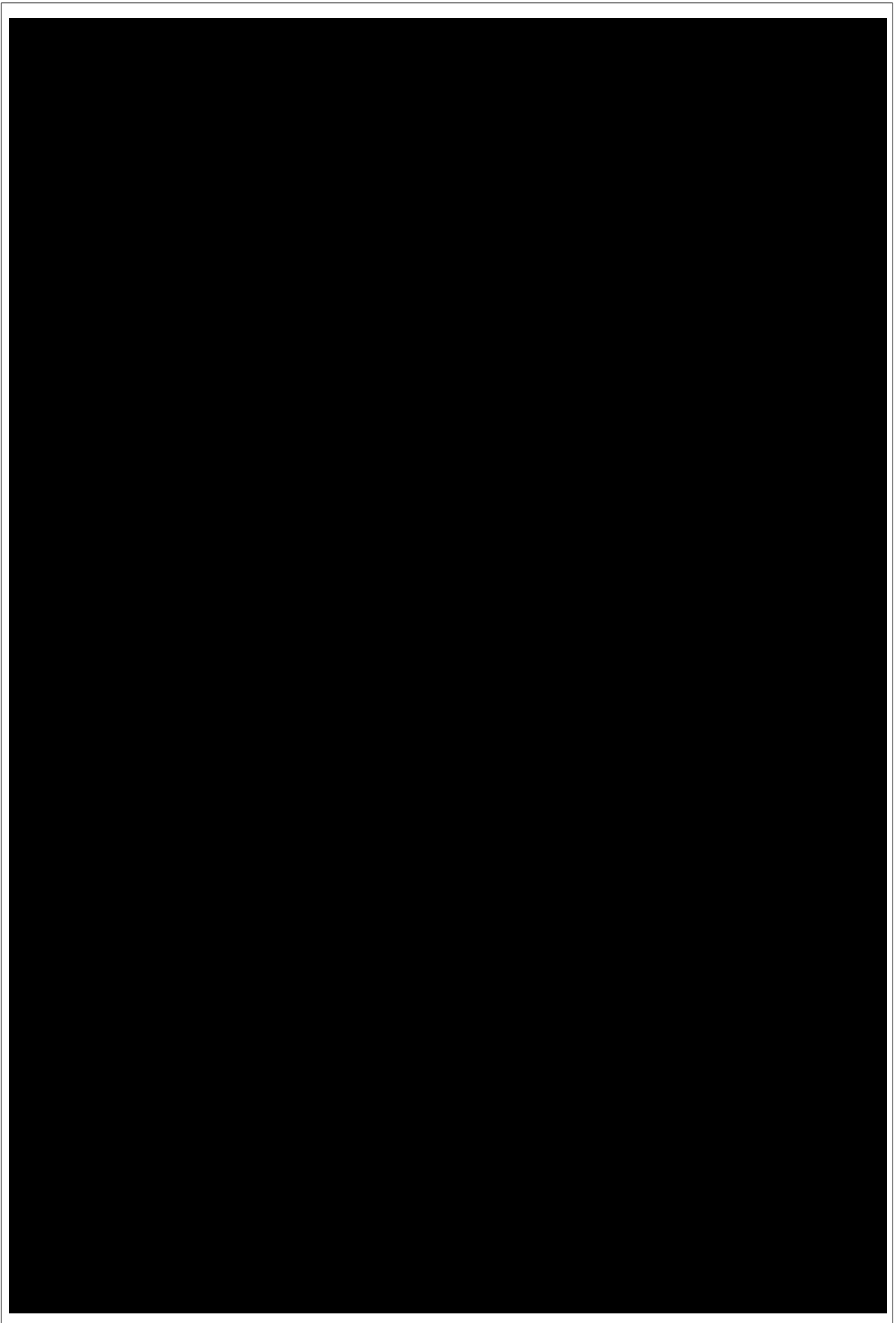
12 A. So at this point, I'm not sure what her
13 exact role was.

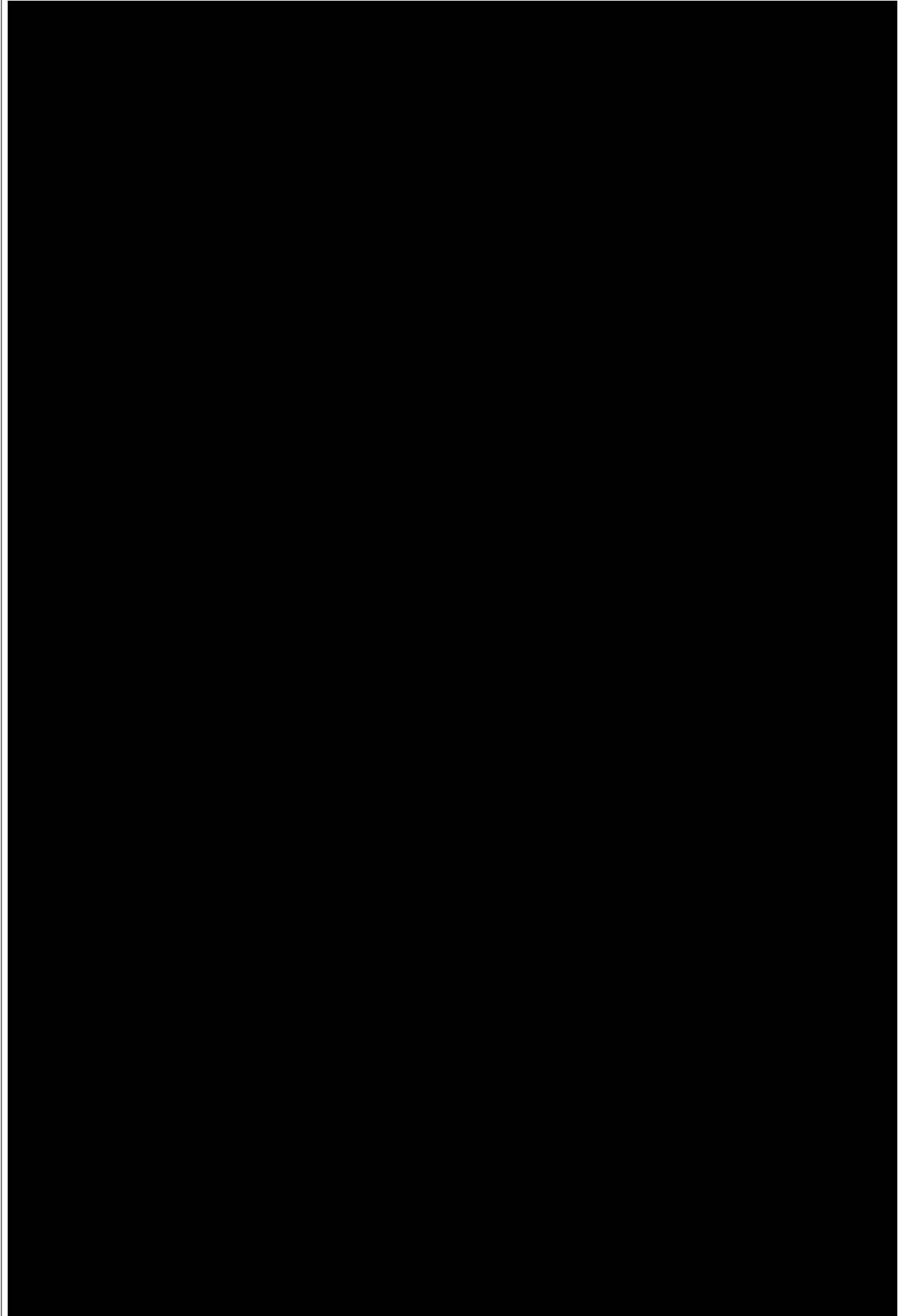
14 Q. Well, you were cc'd in any event?

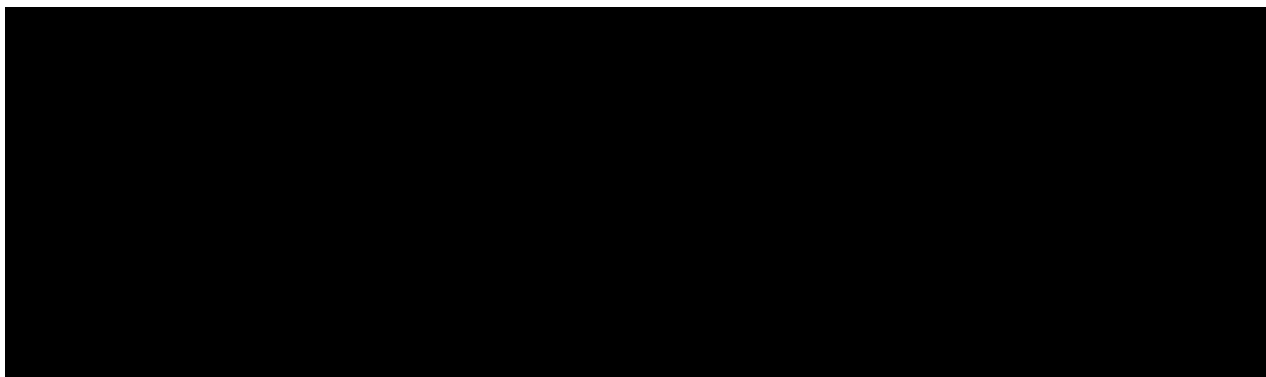
15 A. Yes.

16 Q. Do you see that?

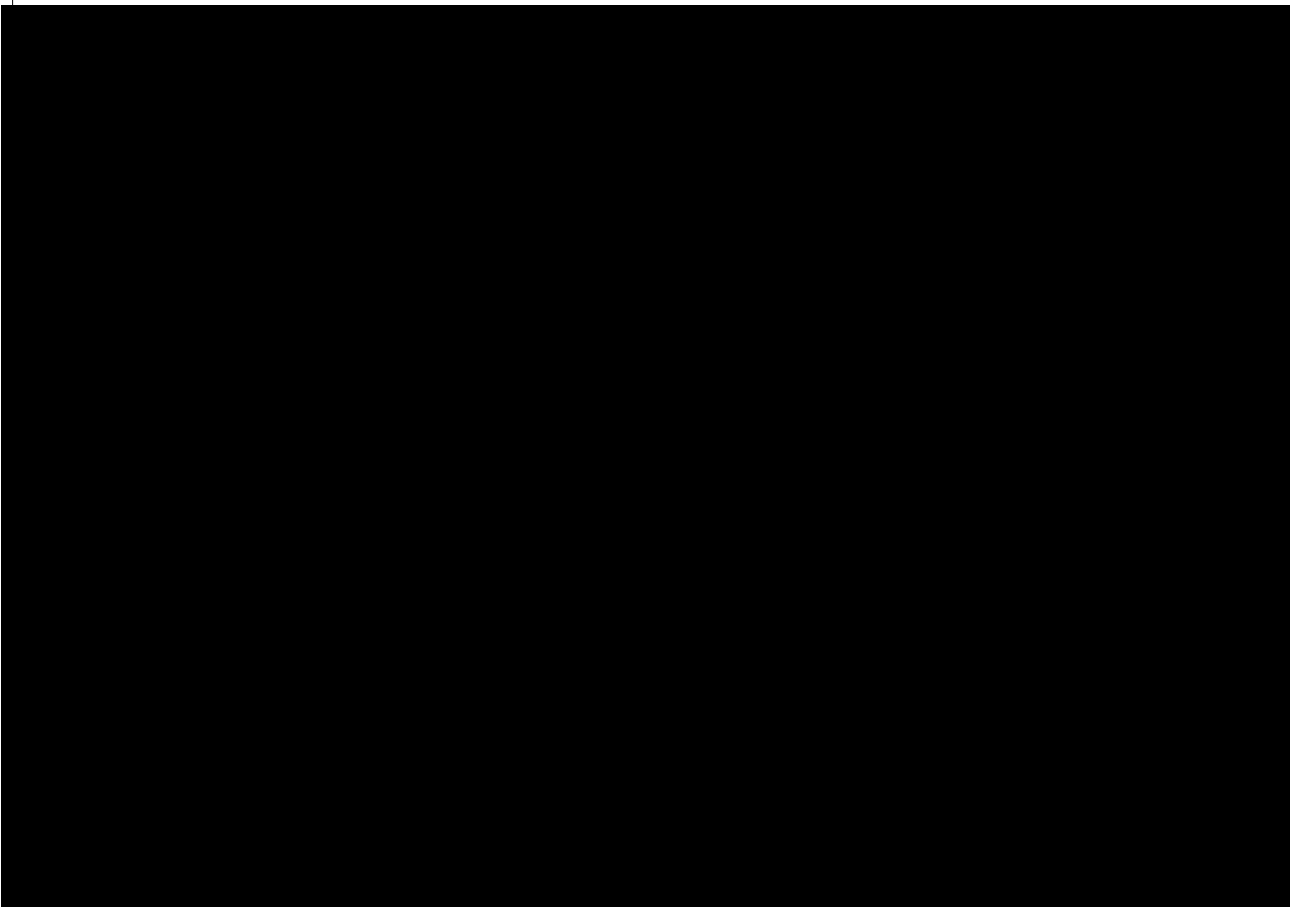
17 A. Yes.

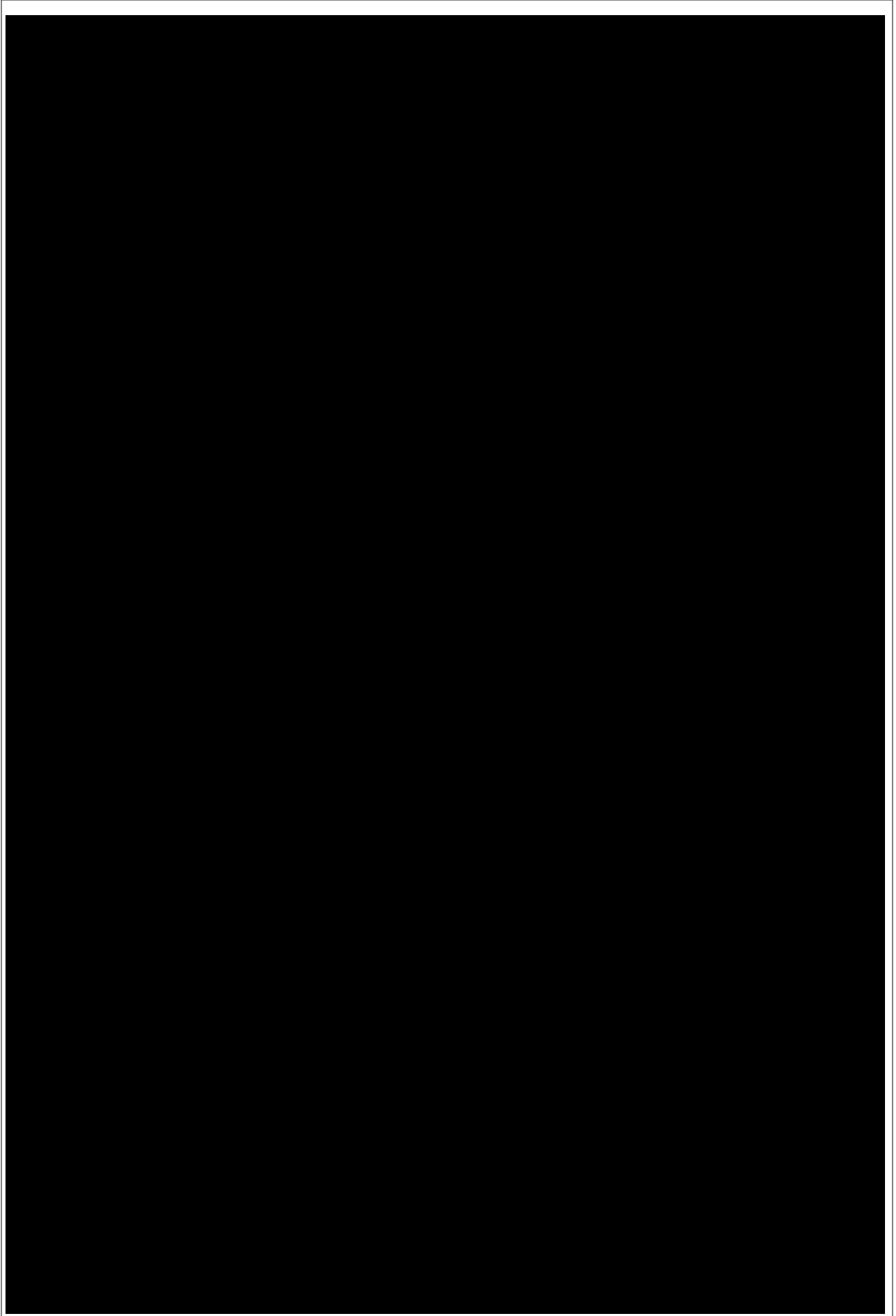


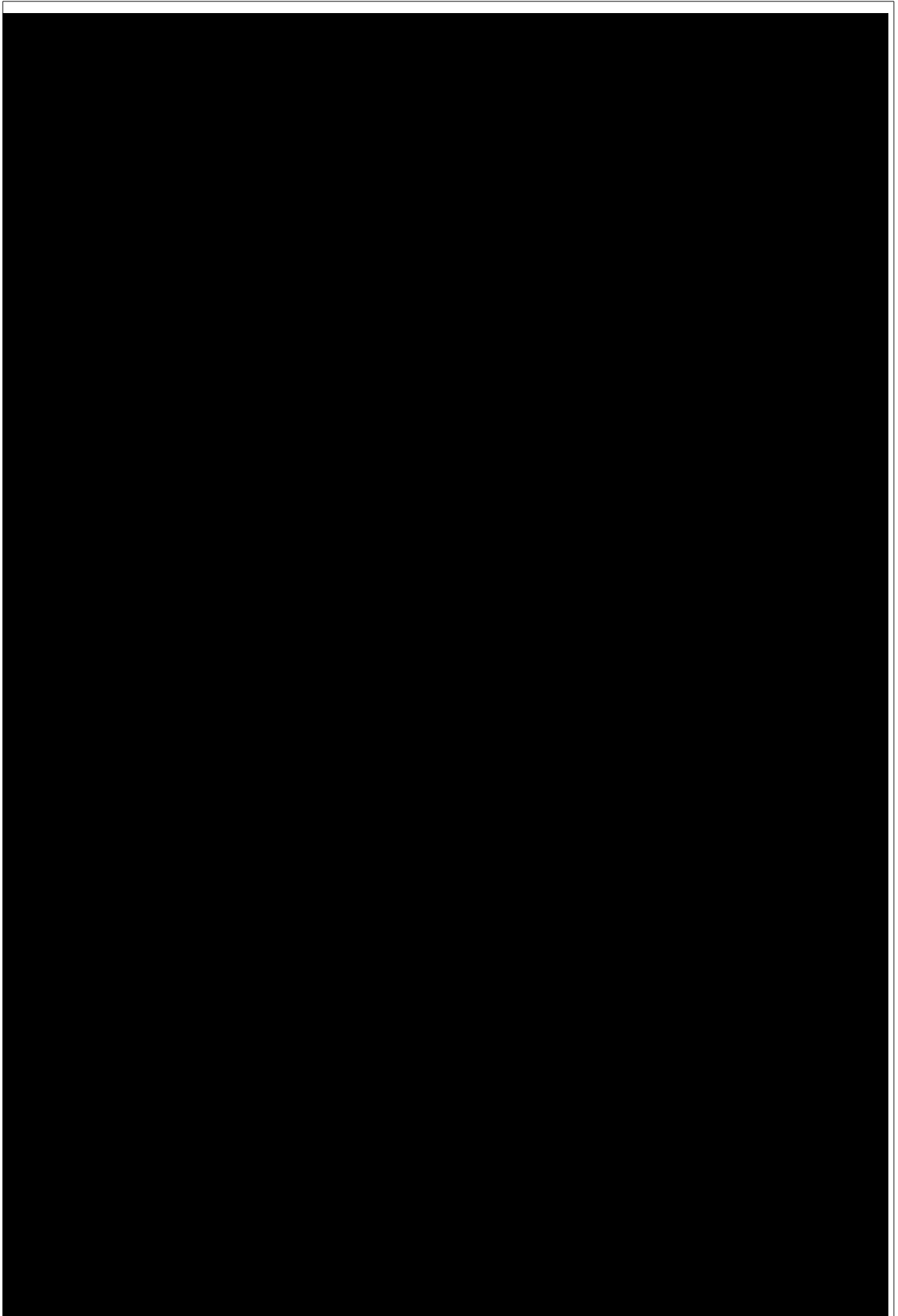


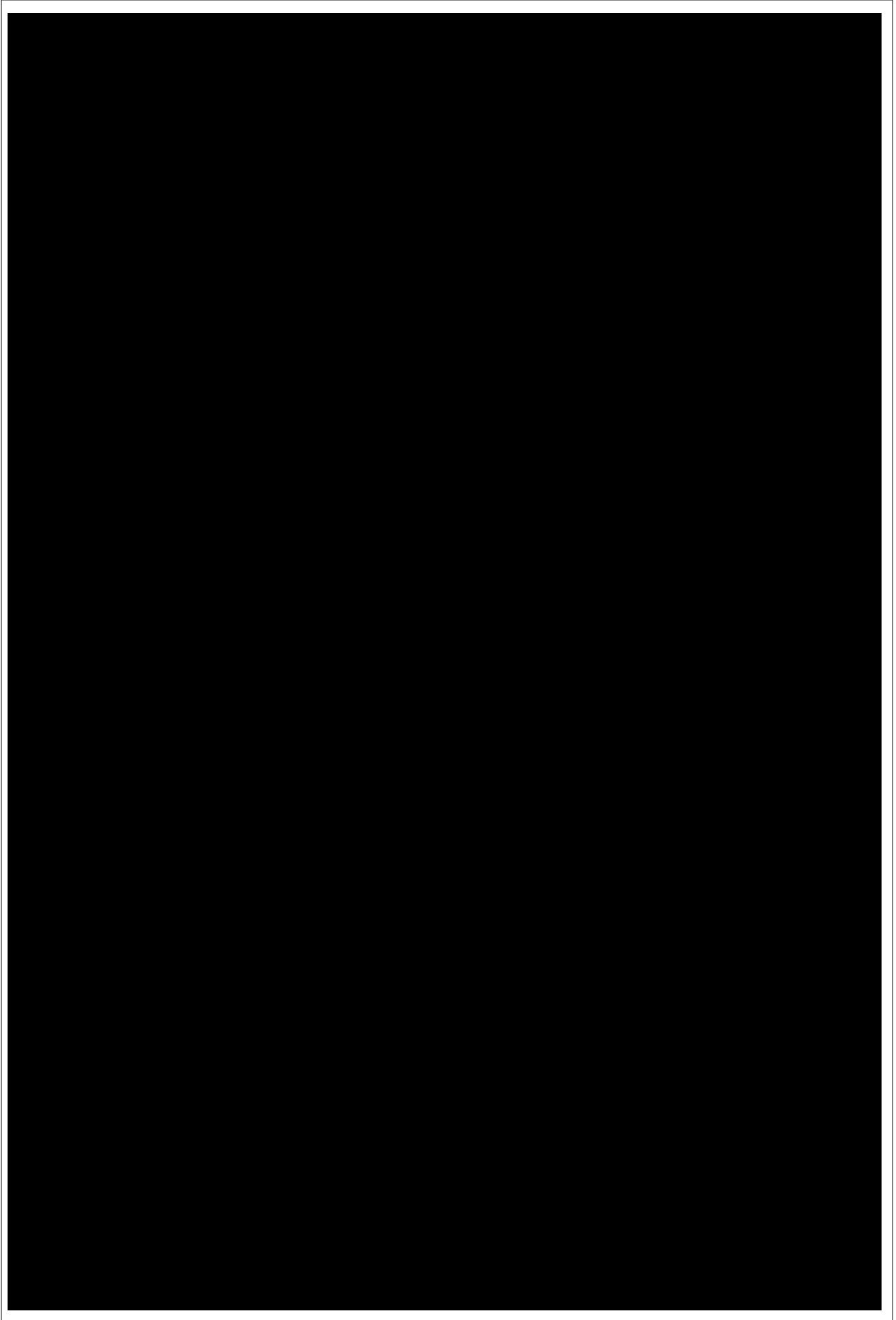


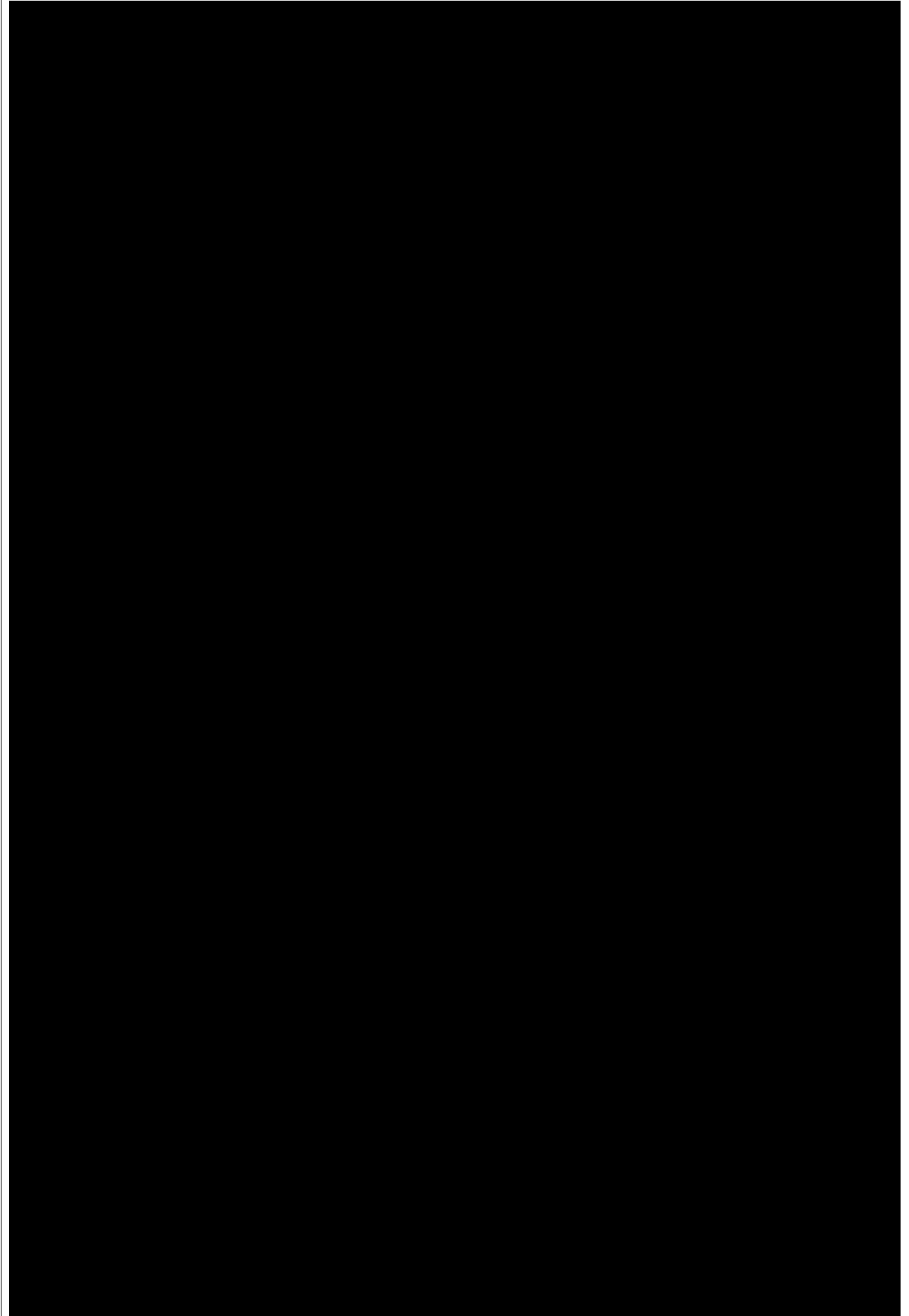
6 A. So let me put some context around this.
7 That CSOS Enterprise, the CSOS Enterprise is a
8 software application, was a CSOS system for chains
9 to buy centrally. Right? So no one in the market,
10 from a competitive standpoint, had another central
11 buying kind of application, electronic ordering
12 platform for controlled substances. So we were out
13 promoting that to customers.

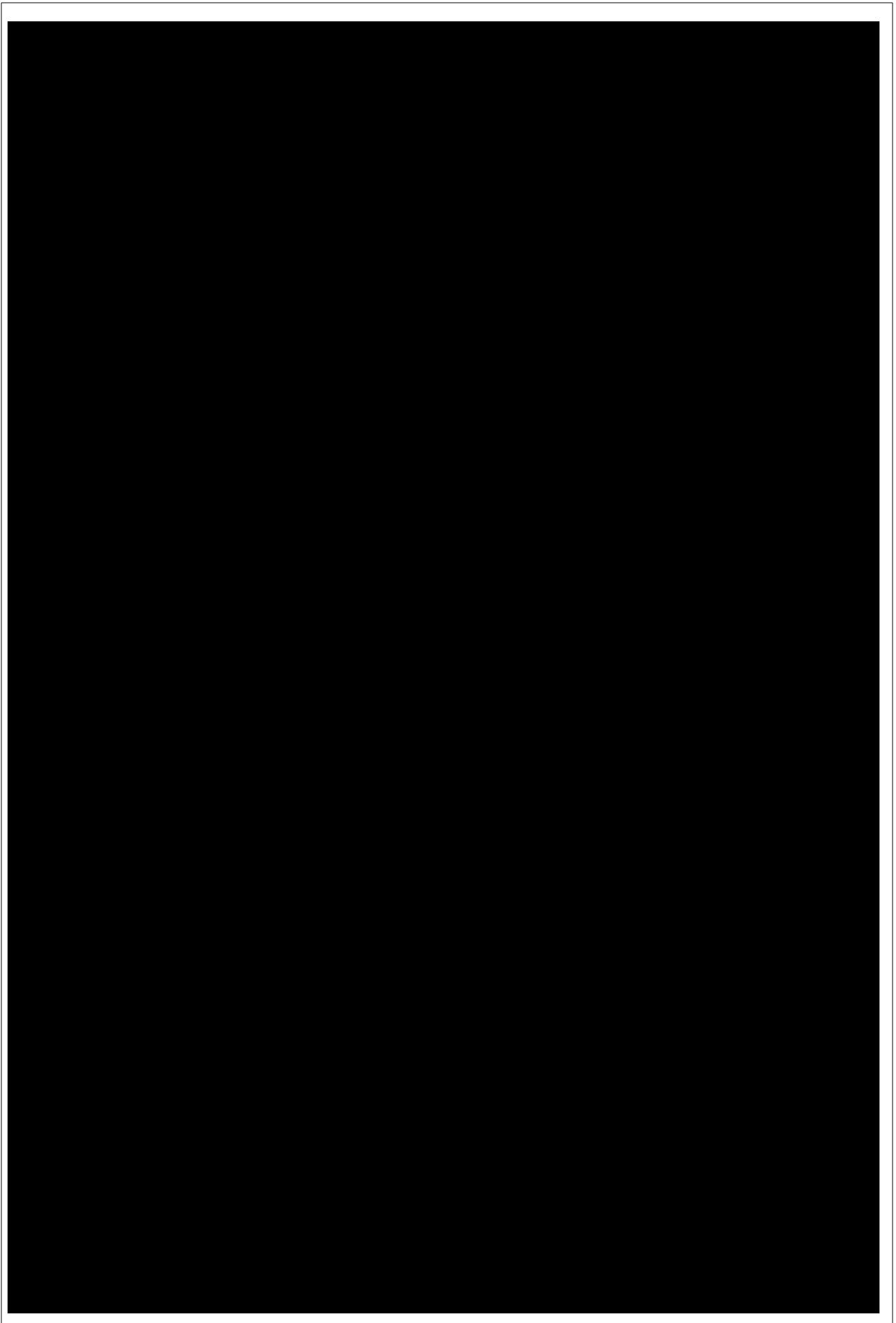














6 Q. Do you need me to rephrase that?

7 MS. KOSKI: Please.

8 A. Yes, please.

9 BY MR. PENNOCK:

10 Q. Yeah. You keep -- you've referenced a
11 couple times "historical dispense data," right?

12 A. Right.

13 Q. And what you mean by that is, "Well, we look
14 and see, well, how much product has the store sold
15 over time and is what they are asking for from us
16 now consistent with what they've been selling,"
17 right?

18 MS. KOSKI: Object to form.

19 Q. That's what you're saying what "historical
20 dispense data" is, right?

21 A. So -- so let me -- let me clarify for
22 myself -- for myself. Yes, that's what I'm saying,
23 but that wasn't my role in the organization. So to
24 me, that's a generalized way of saying how Mike and
25 his team would have reviewed stores.

1 Q. So, I mean, you were vice president of
2 national accounts. We've already said that a bunch
3 of times, right?

4 A. Yeah.

5 Q. And you were vice president of national
6 accounts at the time of this e-mail, right?

7 A. Yes.

8 Q. And you were on the leadership team at the
9 time of this e-mail, right?

10 A. Yes.

24 MS. KOSKI: Object to form. Sorry. I
25 thought you were done.

1 A. No, I don't -- I -- I wouldn't have paid
2 specific attention to that unless Mike, you know,
3 brought that up as an issue as -- you know, where
4 that might have come up as an issue is if Rachelle
5 was making requests of Mike, Mike saying, "This
6 doesn't make any sense." He might come to me and
7 say, "tell Rachelle to stop, you know, bothering me
8 about this."

9 That's where -- that analysis would have
10 happened within Mike and his team, the one that
11 you're asking for.

12 Me specifically, I was looking at, at a high
13 level, you know, we were selling thousands of
14 accounts product. So I'm -- I'm sorry. That
15 answer's --

16 Q. What -- well, you may have been selling --
17 okay.

18 You were selling thousands of accounts you
19 just said, right?

20 A. Yes.

21 Q. And -- and just --

22 A. I don't know where every store is for every
23 one of those accounts. I wouldn't have looked them
24 up. So the idea that I can -- that I would have --

25 Q. Who -- who was going to do that then?

1 A. Mike and his team absolutely would have been
2 doing that.

3 Q. That's it?

4 A. Yes.

5 Q. So the -- how many people were on Mike's
6 team?

7 A. I don't know the answer to that. I know --
8 because it varied from time to time. I think when I
9 left, there were probably six maybe.

10 Q. Six people.

11 How many salespeople did you have in --
12 withdrawn.

13 How many people were in your national
14 accounts team, like Rachelle Vance?

15 A. I think, you know, we peaked out. The most
16 we ever had was maybe 12. At this time we probably
17 were in the 8 to 10 range, I would guess.

18 Q. And not -- they had no responsibility, the
19 national account people, the 12 people that you had,
20 they had no responsibility for making their own
21 independent sort of assessment to provide
22 information to compliance as to the nature of the
23 store they were asking to max out at?

24 MS. KOSKI: Object to form; mischaracterizes
25 testimony.

1 Q. They didn't have none? I'm just asking.

2 They had no responsibility, is that what you're
3 telling me?

4 A. I would say they didn't have direct
5 responsibility; but we would have asked them to, you
6 know, not be, you know, foolishly asking for things
7 that didn't make sense.

8 Q. Right. Like --

9 A. But we -- we always --



8 MS. KOSKI: Object to form.

9 A. Again, I -- possibly, but we sort of had,
10 you know, Mike's team as our -- was handling that
11 for us. I don't know. You know, I -- I'm sorry
12 that that's not the answer that you like, but that's
13 sort of the way we were operating as we were out
14 trying to sell, and Mike was a very hard backstop
15 and he was handling that piece.

16 Our sales team, from a national account
17 standpoint, was requesting additional information
18 where Mike needed it, was, you know --

19 Q. But your sales team for national accounts
20 that you were in charge of didn't undertake any
21 activity to see what they were asking for to begin
22 with? Give it to Mike, Mike is the backstop, if he
23 passes it, wonderful, we sell it and we move on.
24 That's what was happening at this --

25 A. I would say at this period of time, that

1 that's fair. I think as we moved forward, we were
2 doing a lot more of, you know, getting
3 questionnaires and getting data, getting
4 questionnaires, all that stuff.

5 MS. KOSKI: I could use a bathroom break.
6 We've been going about an hour and a half. It
7 doesn't have to be right this second. If --
8 when --

9 (Discussion off the record.)

10 MR. PENNOCK: No, we can take a break.

11 MS. KOSKI: Okay.

12 THE VIDEOGRAPHER: Off the record,

13 11:06 a.m.

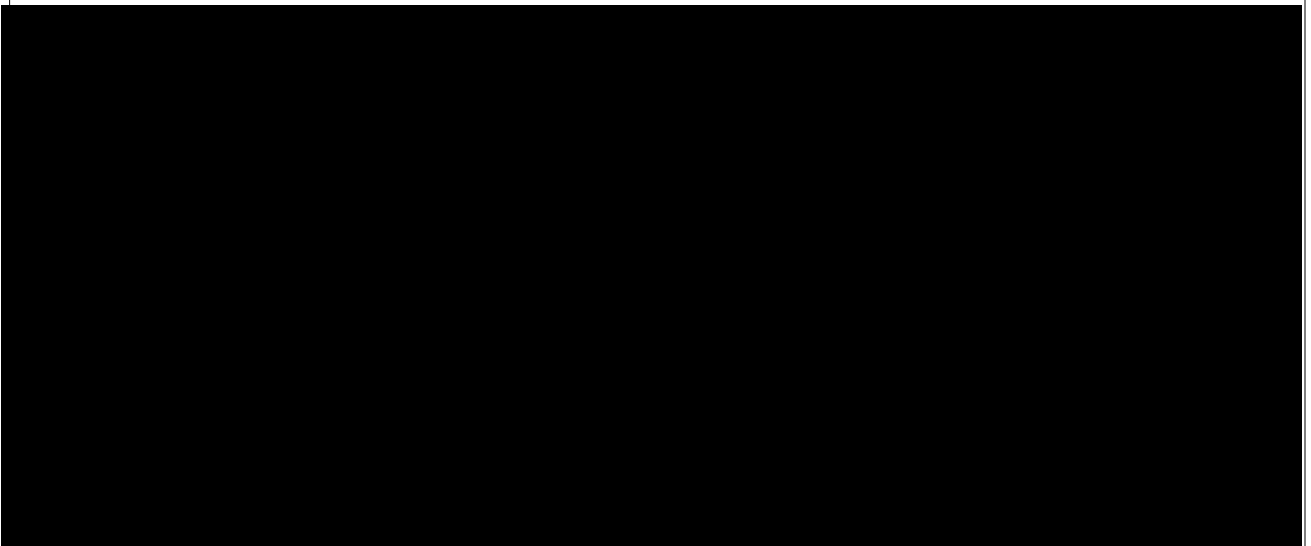
14 (Recess from 11:06 a.m. until 11:18 a.m.)

15 THE VIDEOGRAPHER: On the record, 11:18 a.m.

16 MR. PENNOCK: Are you ready, Counsel?

17 MS. KOSKI: Yes. All set. Thank you.

18 BY MR. PENNOCK:



3 Q. Who is Kim Bloom? We talked about her
4 earlier. You took over national accounts from her,
5 right?

6 A. Yes.

7 Q. And she's now executive director of sales
8 operations, right?

9 A. Yes.

10 Q. It looks like she was on this e-mail
11 chain -- I'm trying to find -- she didn't get on
12 this e-mail chain until a few e-mails in.

13 MS. KOSKI: Object to form.

14 MR. PENNOCK: Yeah, I'll withdraw that.

15 BY MR. PENNOCK:

16 Q. You see, if you look on the second page of
17 this e-mail thread, it looks like Kim Bloom got
18 thrown on a cc in the middle of this thread.

19 MS. KOSKI: Object to the form.

20 A. I see that.

21 Q. Right?

22 A. Yeah, I see that.

23 THE VIDEOGRAPHER: Excuse me, Counsel. I
24 just need to adjust the witness's position again.
25 I didn't realize you were blocking that camera.

1 So just a little bit more.

2 That's good. Thank you.

3 BY MR. PENNOCK:

4 Q. I'm sorry, she jumped on -- she -- it was
5 before that she -- she was on -- she was an
6 addressee of the original e-mail. Okay.

7 A. Yes.

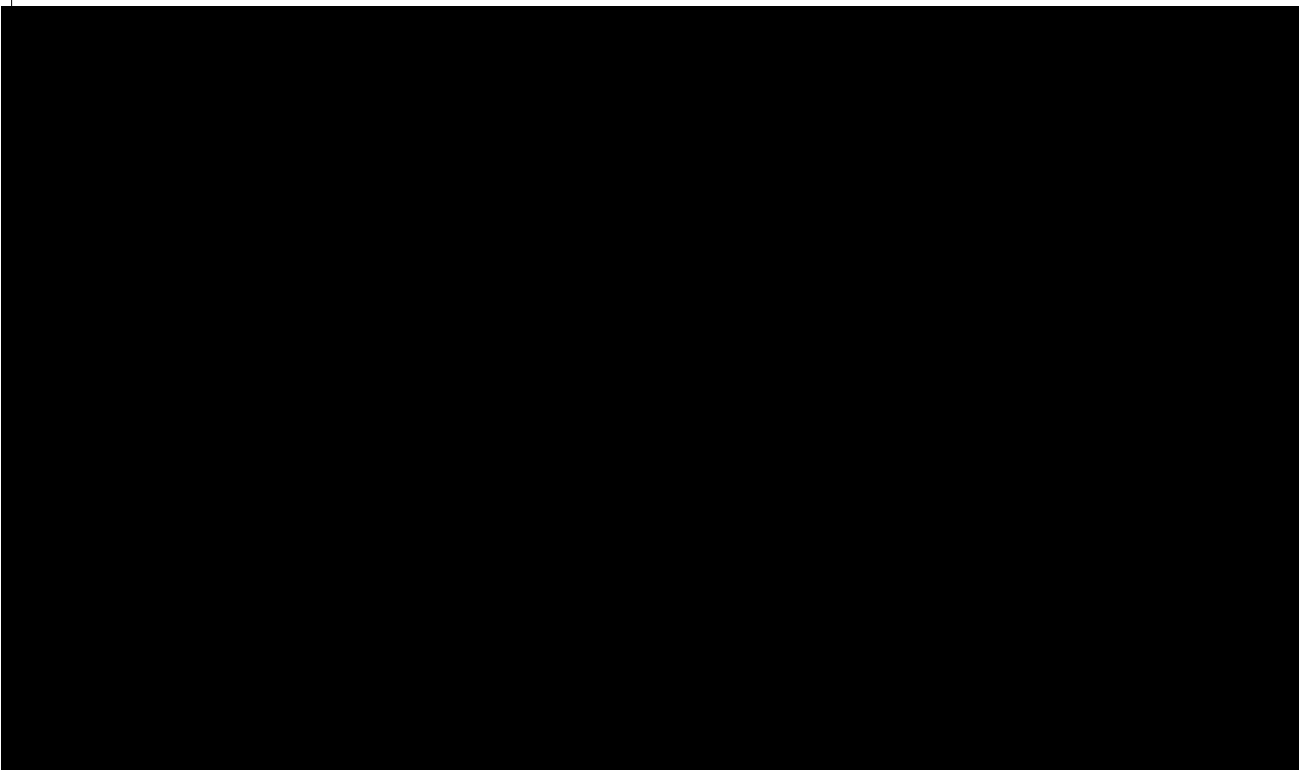
8 Q. But Michael Cochrane, he's in compliance.
9 Kim Bloom is in sales. She's the executive director
10 of sales operations.

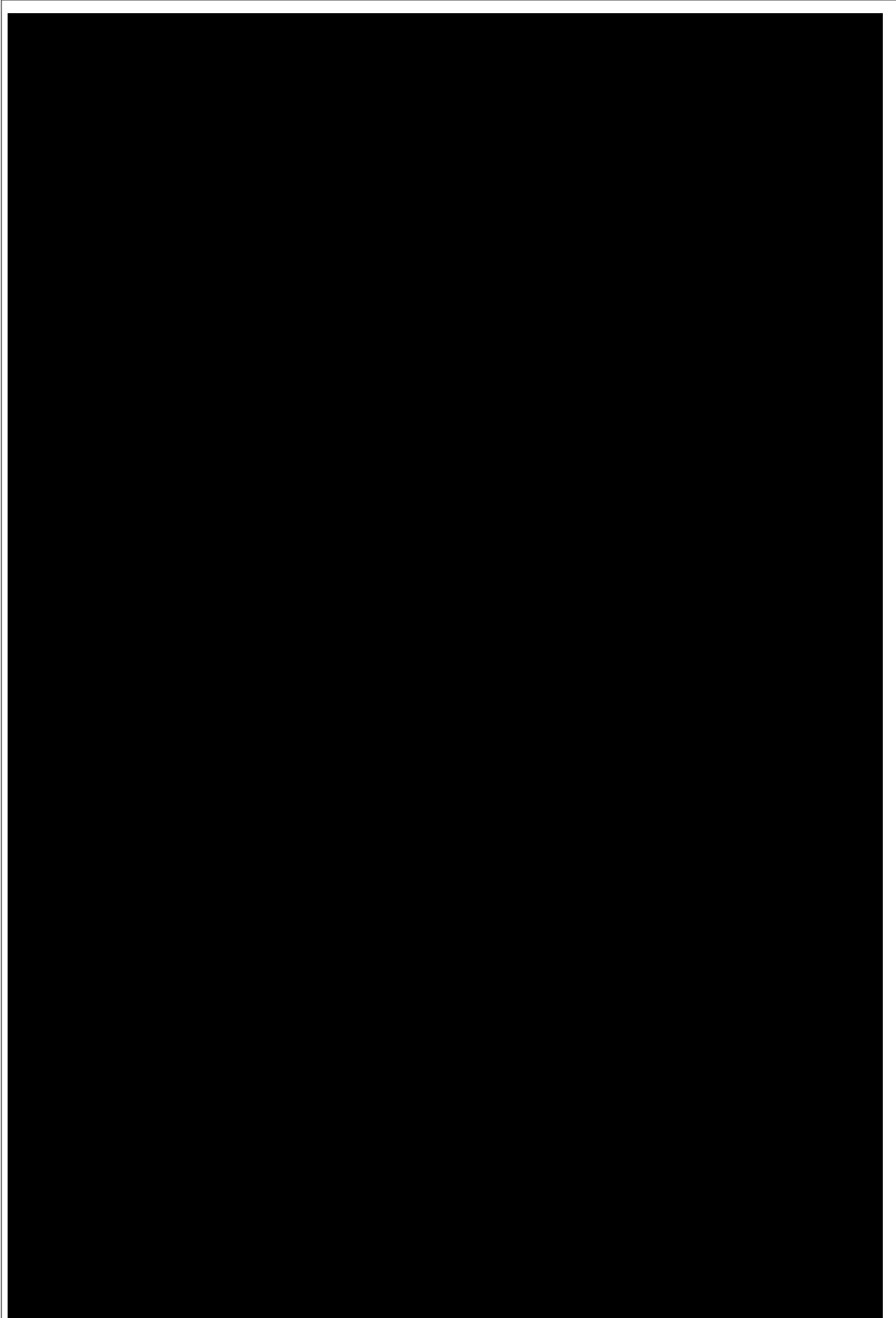
11 Cochrane is the compliance guy you've been
12 talking about, right?

13 A. Yes.

14 Q. Michael Cochrane?

15 A. Yes.









7 Q. So in any event, the -- the backstop,
8 Michael Cochrane that you referred to earlier --

9 A. Yes.

10 Q. Well, this executive director of sales
11 operations is trying to go by the backstop and go
12 right to the president because she doesn't want to
13 hurt the relationship with the accounts, right?

14 MS. KOSKI: Object to the form.

15 A. I think she's -- she's suggesting that he
16 talk to Al, yes. Al was his -- Al was Mike's boss,
17 right? So I would assume from an escalation
18 perspective, talk to Al.

19 Q. So you mentioned that in terms of making
20 decisions to sell to particular -- make particular
21 sales, you said that they were, quote, scientific
22 decisions.

23 Do you remember saying that earlier?

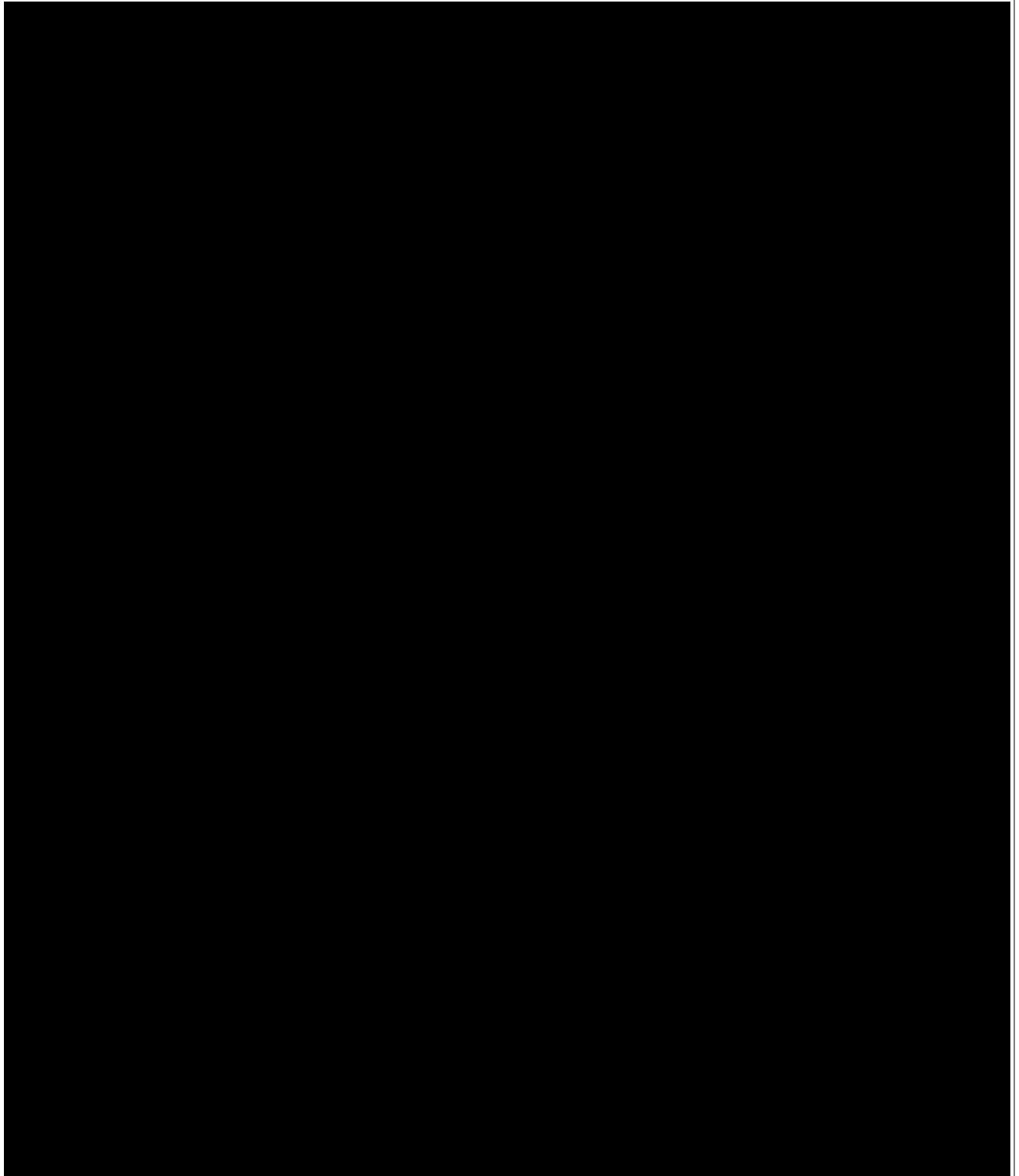
24 A. I do.

25 Q. Okay. Kim is not -- Ms. Bloom is not

1 engaging in this scientific decision process, is

2 she?

3 A. No.

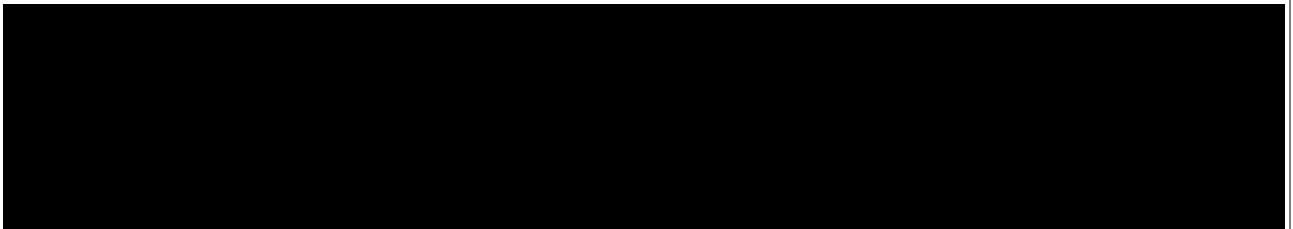


24 Q. But sales in general, even the people under
25 you, were you -- they didn't really have that --

1 A. That's what I was saying --

2 Q. -- scientific decisionmaking process
3 applying to their attempts to make sales?

4 A. Correct. Correct.



8 I want to show you something, a PowerPoint.

9 MR. PENNOCK: Would you mark this, please.

10 (Anda-Versosky Exhibit 8 was marked for
11 identification.)

12 (Anda-Versosky Exhibit 9 was marked for
13 identification.)

14 MS. KOSKI: She was waiting for me, and I
15 didn't give the high sign.

16 BY MR. PENNOCK:

17 Q. Let me know when you're ready, sir.

18 A. Sure.

19 MS. KOSKI: This doesn't have any notes on
20 it. Is that what you're asking?

21 Is there any notes on the one you have?

22 THE WITNESS: No.

23 MS. KOSKI: Oh, that's the one. It's
24 dog-eared.

25 BY MR. PENNOCK:

1 Q. It's the same document, Mr. Versosky.

2 A. Okay.

3 Q. Sir, have you had an occasion to look at
4 Exhibit 9 -- or Exhibit 8?

5 A. Yes.

6 Q. That's a PowerPoint presentation that you
7 had some input on, isn't it?

8 A. Yeah. So the interesting thing is the
9 general kind of Anda overview presentation was a
10 large deck that we used and kind of clipped for a
11 bunch of different presentations. So many of the
12 slides in here, I created. Many of them, I've never
13 seen before.

14 Q. Okay. Well, can you look at Exhibit 9,
15 please.

16 A. Sure.

17 Q. Let me identify Exhibit 8 first. I didn't
18 do that yet.

19 So Exhibit 8 is a PowerPoint presentation
20 entitled "Anda, Incorporated, Anda Overview," and it
21 is Bates number 0000721153 and it runs through 1174.

22 Exhibit 9 is an e-mail thread, Bates number
23 0000721151 and 152. So it's the Bates number that
24 immediately precedes the PowerPoint Bates number.

25 Okay?

1 A. Okay.

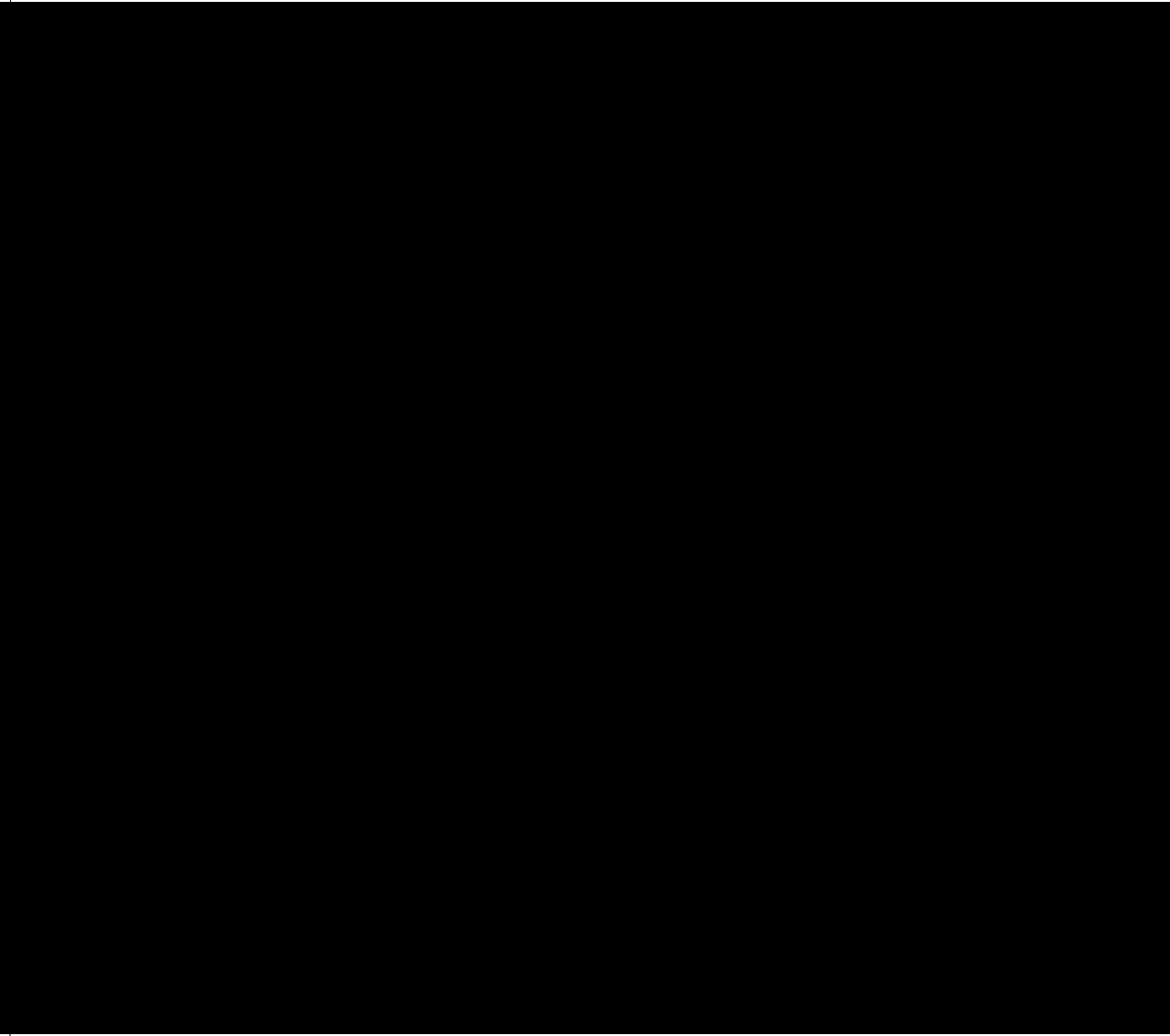
2 Q. Now, Exhibit 9, this e-mail thread reflects
3 that the -- this PowerPoint presentation was sent to
4 you by Michael Cochrane, right?

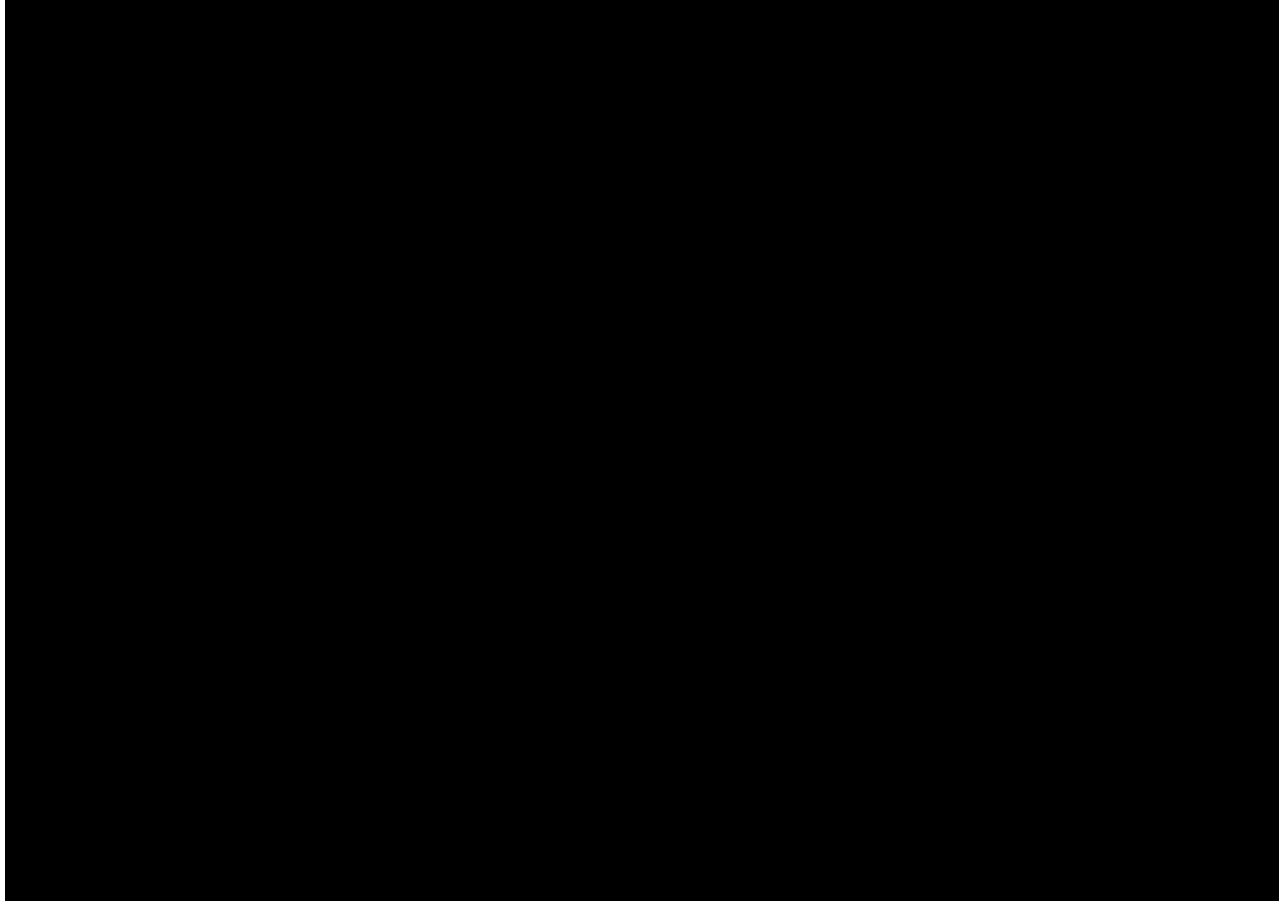
5 A. Yes.

6 Q. And he asked you to take a -- take a look at
7 it and perhaps give a couple bullet points on
8 Slide 4.

9 Do you see that?

10 A. Yes.






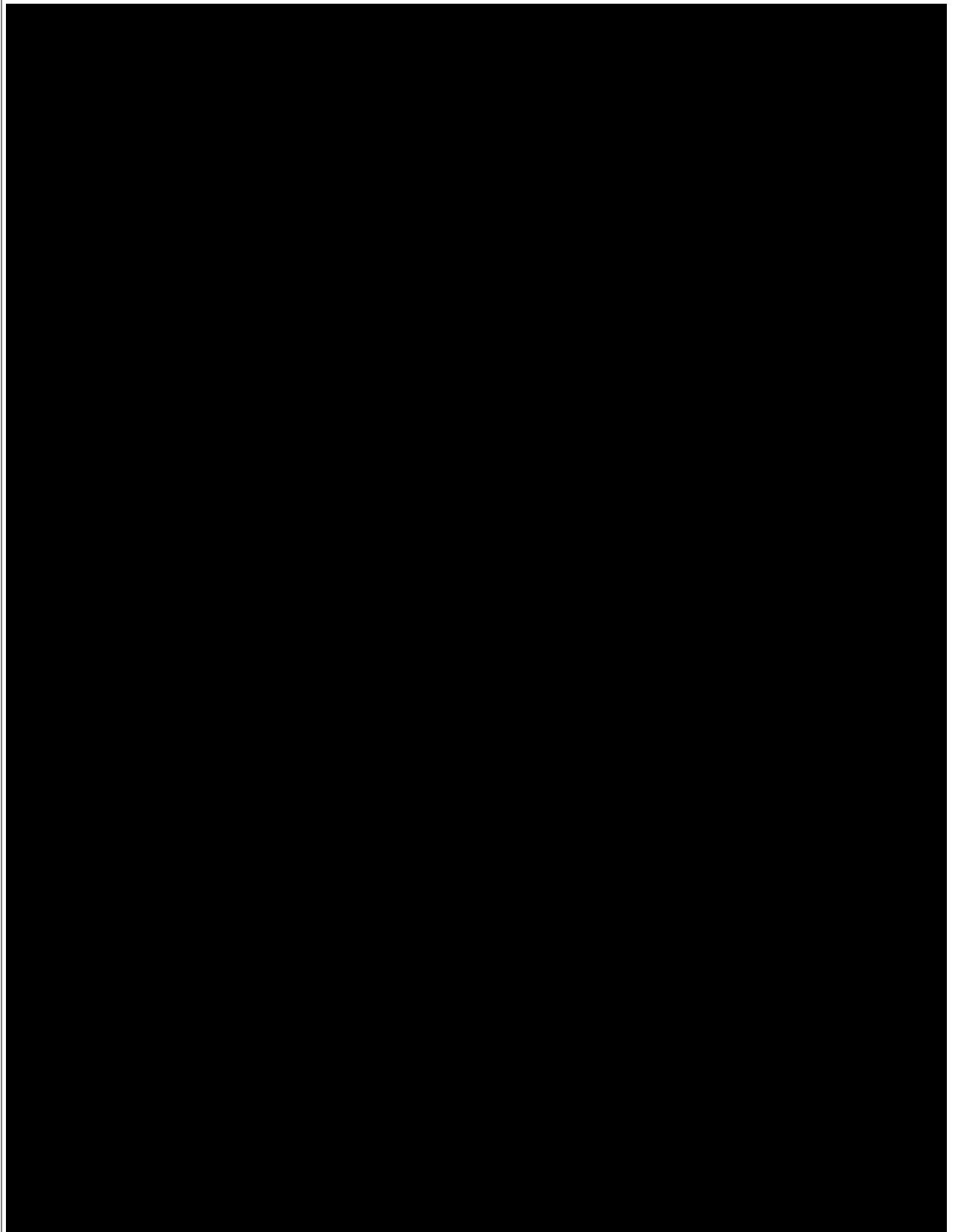
13 Q. Now, were you at any meetings with the DEA?

14 A. No, never.

15 Q. Never?

16 A. Never, not that I'm aware of.





23 Q. Got it. Okay.

24 As of 2014, were you -- were you then paying
25 attention to the city and state of request?

1 A. I'll tell you, I don't know that. Yeah. I
2 don't know that it was a -- no.

3 Q. On the sales side.

4 A. Yeah.

5 No, I don't believe so.

6 Q. Who is George Fields?

7 A. So George -- George was with Anda for a very
8 long time. I believe he ran -- he also ran sales at
9 some point, the telesales function; moved into
10 purchasing; and before we had sort of a formal
11 marketing department, he kind of ran some of the
12 promotions and things like that out of -- I believe
13 out of purchasing. He kind of had a bunch of
14 different roles at Anda at the time.

15 Q. And who is Brian Witte?

16 A. Brian was my counterpart that led the inside
17 sales -- telesales team. So he was owner of the
18 budget and whatnot for telesales.

19 Q. Do you remember someone by the name of Norm?

20 A. Yes.

21 Q. Who might that be?

22 A. Norm Dodes was a -- was a national account
23 manager also on my team.

24 MR. PENNOCK: Do you have copies of this?

25 We'll mark my copy. Could you -- I only --

1 I don't seem to have another copy of this. I
2 don't know, but could you take that?

3 MS. KOSKI: If you want to walk out to the
4 front desk, they can make copies for you if you
5 need to.

6 MR. PENNOCK: If you want me to.

7 MS. KOSKI: I guess I can read it first. I
8 don't know.

9 MR. PENNOCK: Yeah.

10 MS. KOSKI: Just go --

11 MR. PENNOCK: Hold on. Why don't you go and
12 see if you have a copy next door.

13 While we're doing that, Ben, why don't you
14 take this out and make a copy before she puts the
15 tab on there. Yeah.

16 BY MR. PENNOCK:

17 Q. All right. Let's see if I can go on to
18 something else.

19 Not really.

20 MR. PENNOCK: Got it. That was easier than
21 I thought.

22 MS. KOSKI: We've all been there.

23 MR. PENNOCK: Of course there is only one
24 copy. No, this is not it. This is not -- this
25 is not -- 143.

1 Okay. We'll wait for copies.

2 (Discussion off the record.)

3 BY MR. PENNOCK:

4 Q. Okay. All right.

5 (Anda-Versosky Exhibit 11 was marked for
6 identification.)

7 BY MR. PENNOCK:

8 Q. Sir, take a look, please, at Exhibit 11 to
9 your deposition. This is an e-mail, one page,
10 0000618116.

11 A. Yes, please.

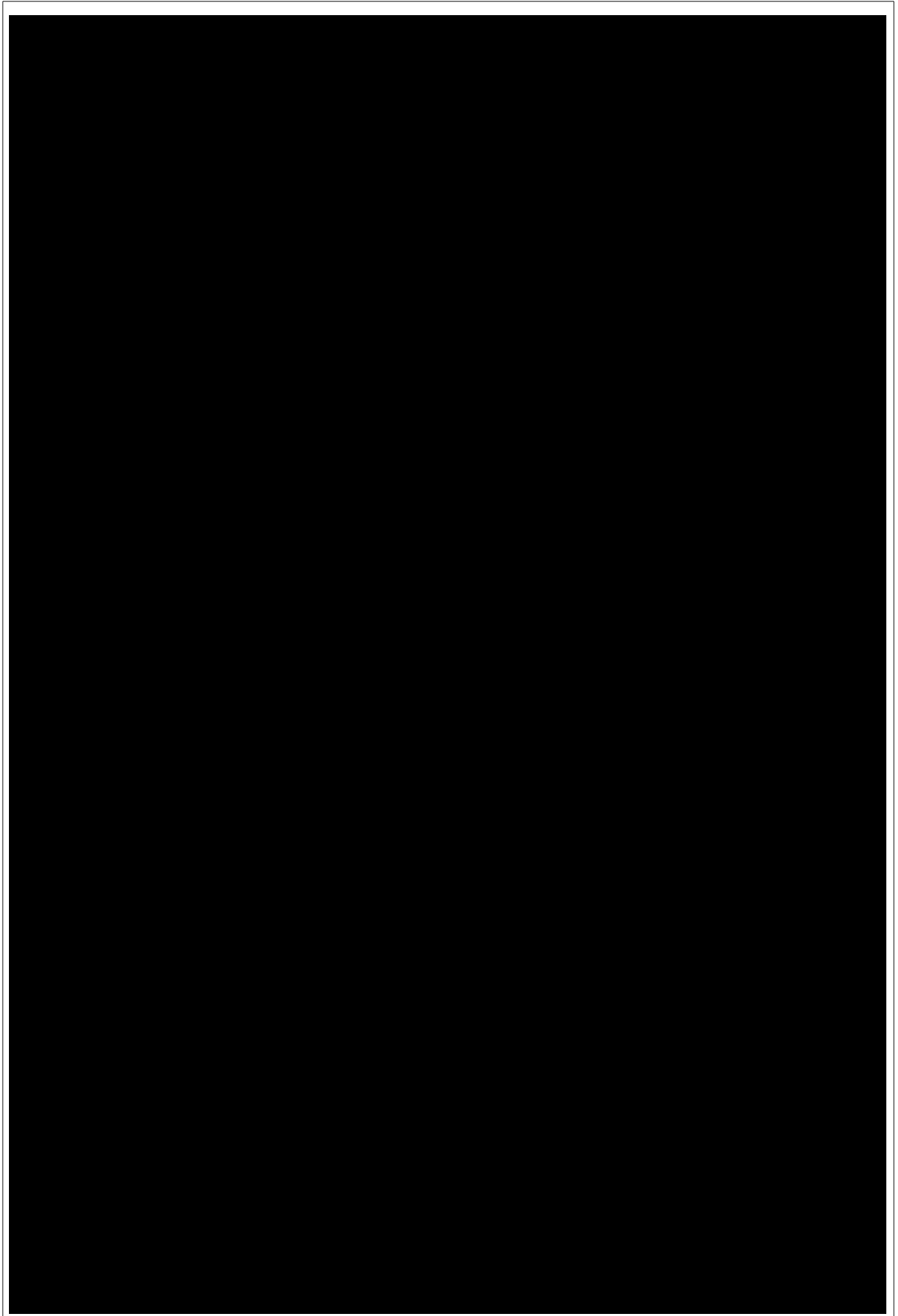
12 Q. So this is an e-mail. The top e-mail is
13 from you, right?

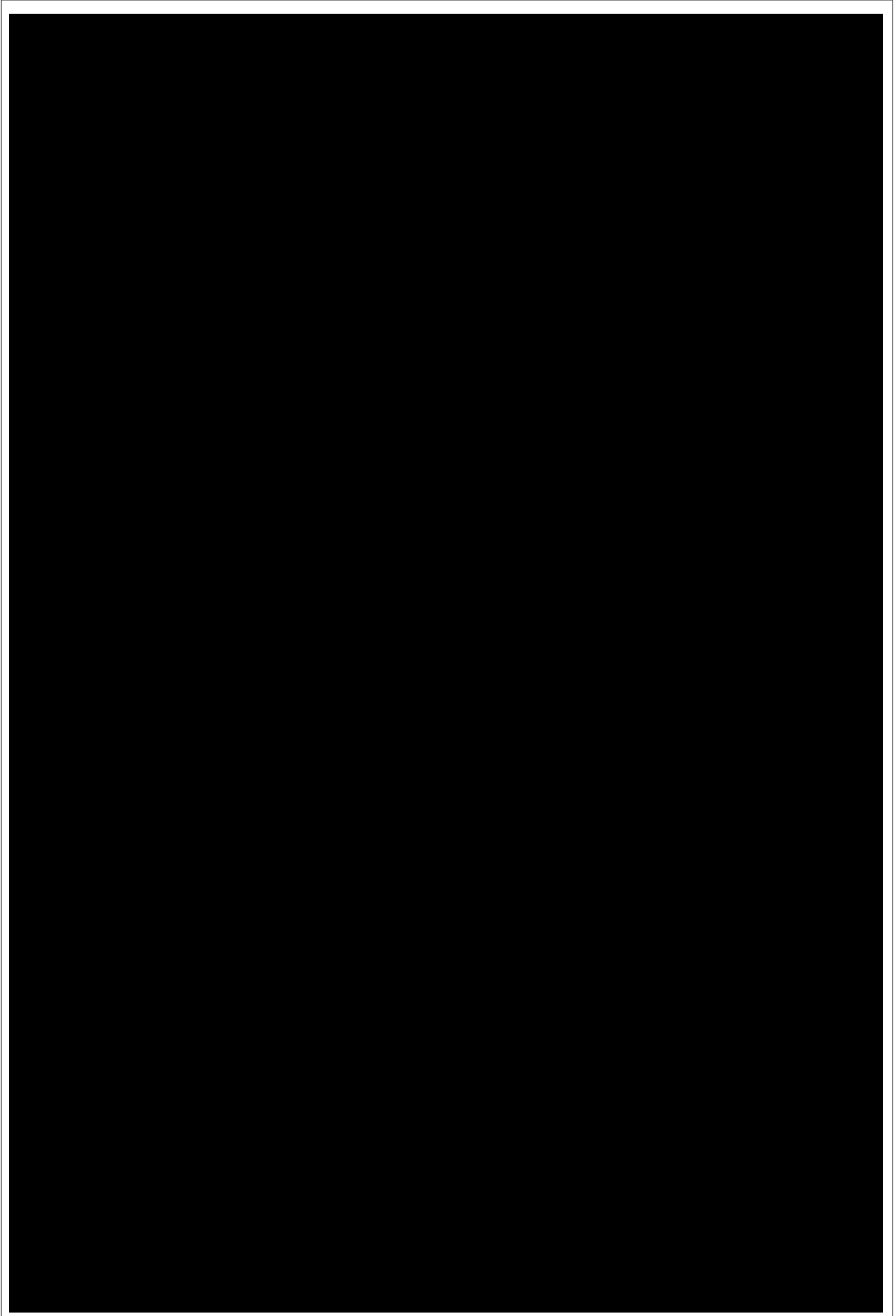
14 A. Uh-huh.

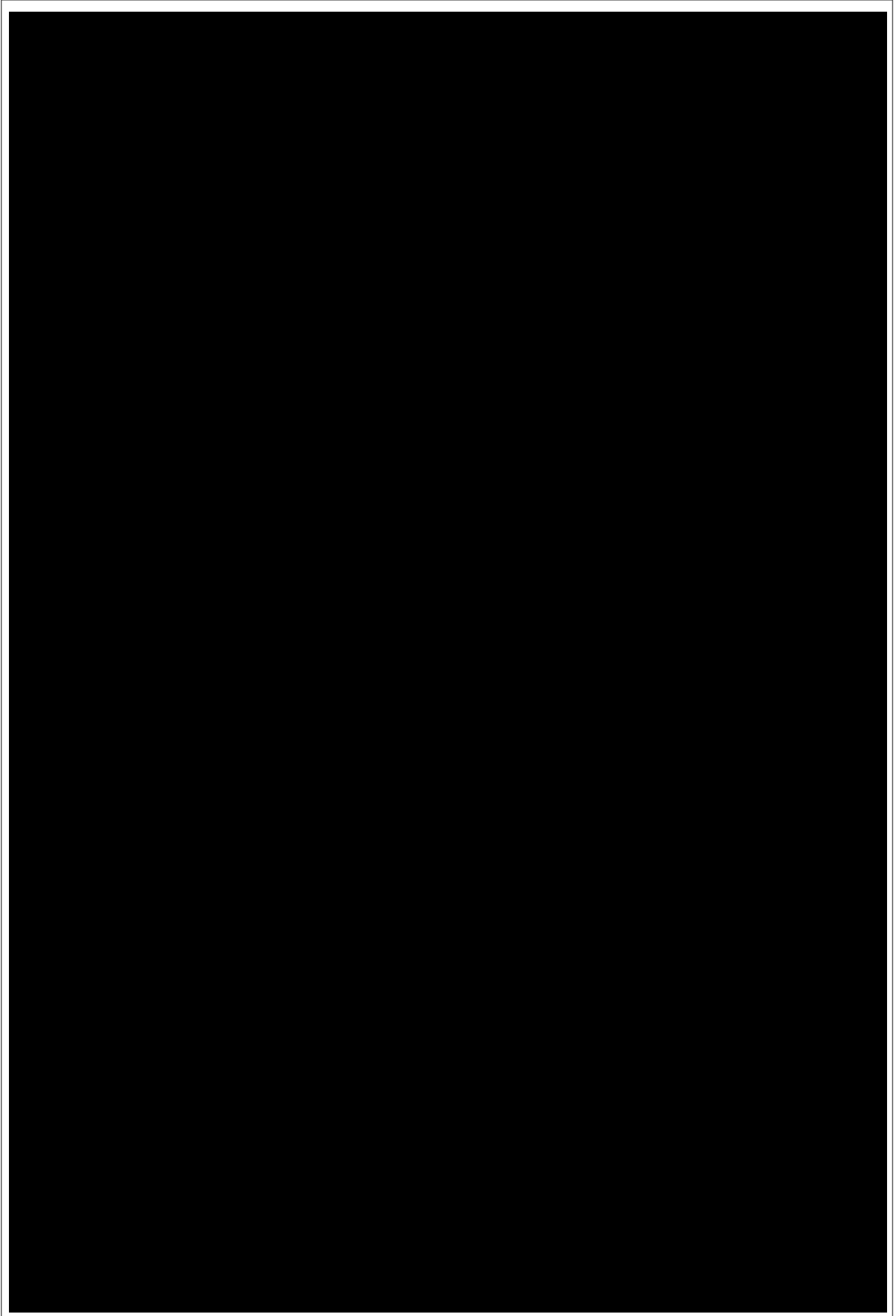
15 Q. This is September 26, 2008. Were you yet in
16 charge of national accounts?

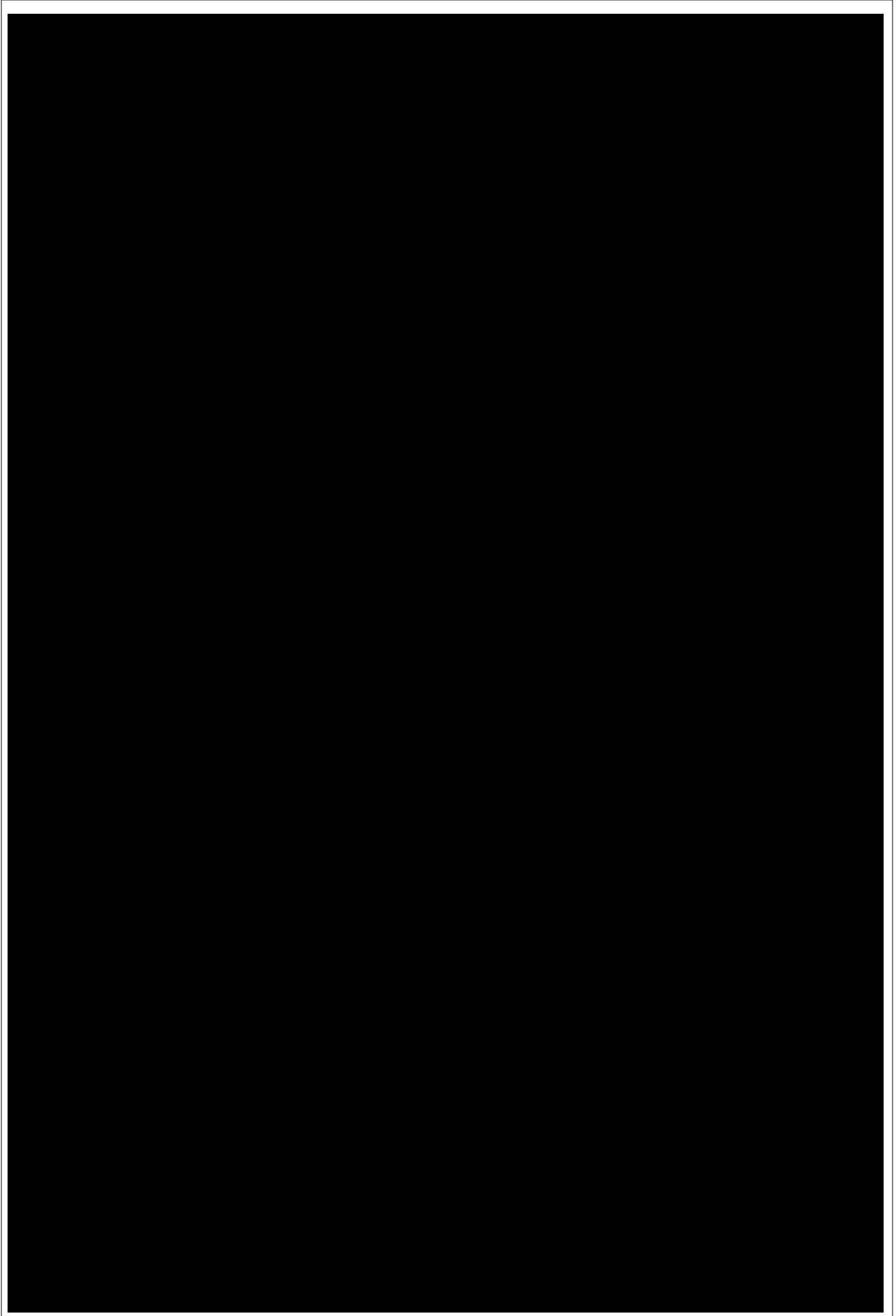
17 A. I believe so by then.

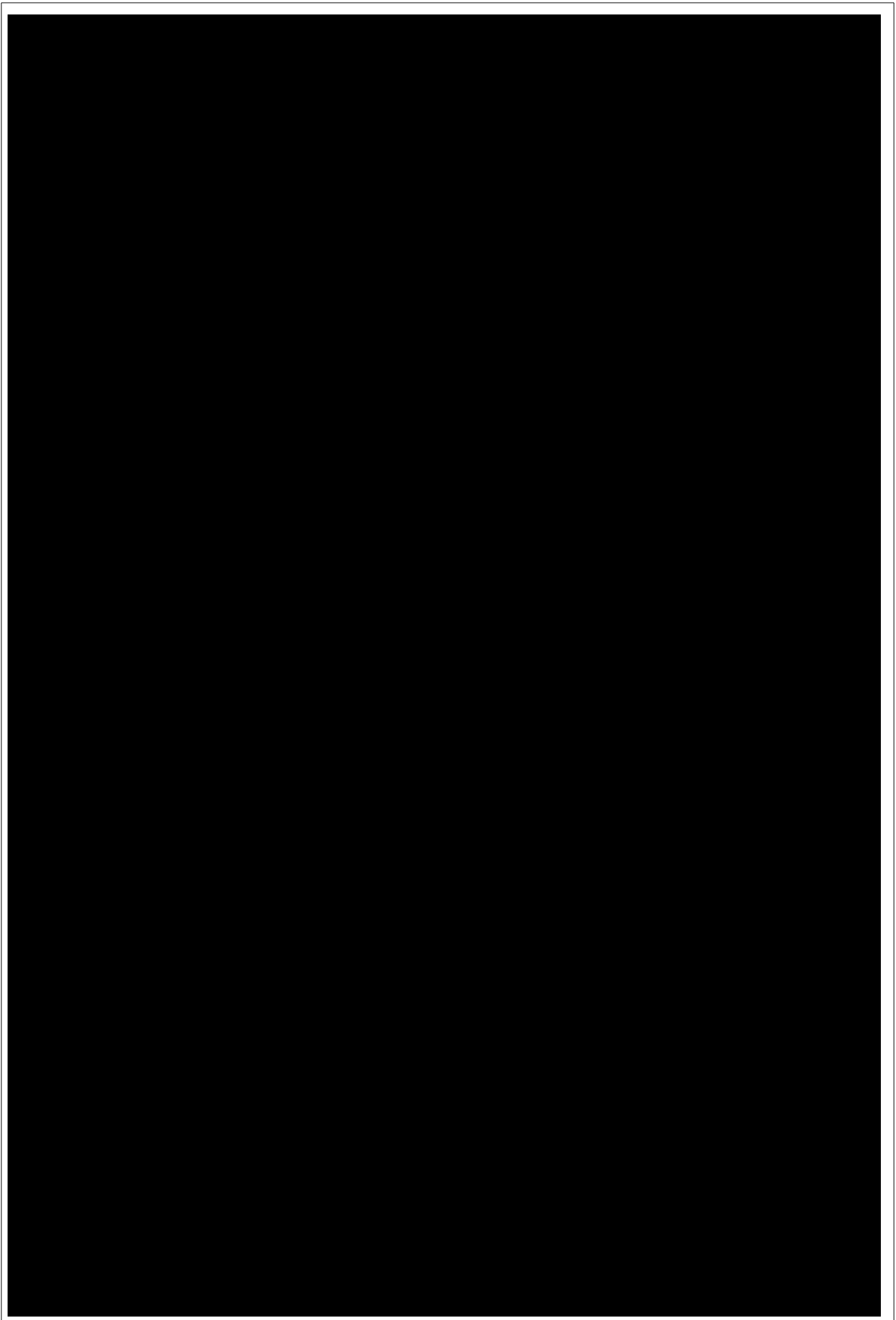


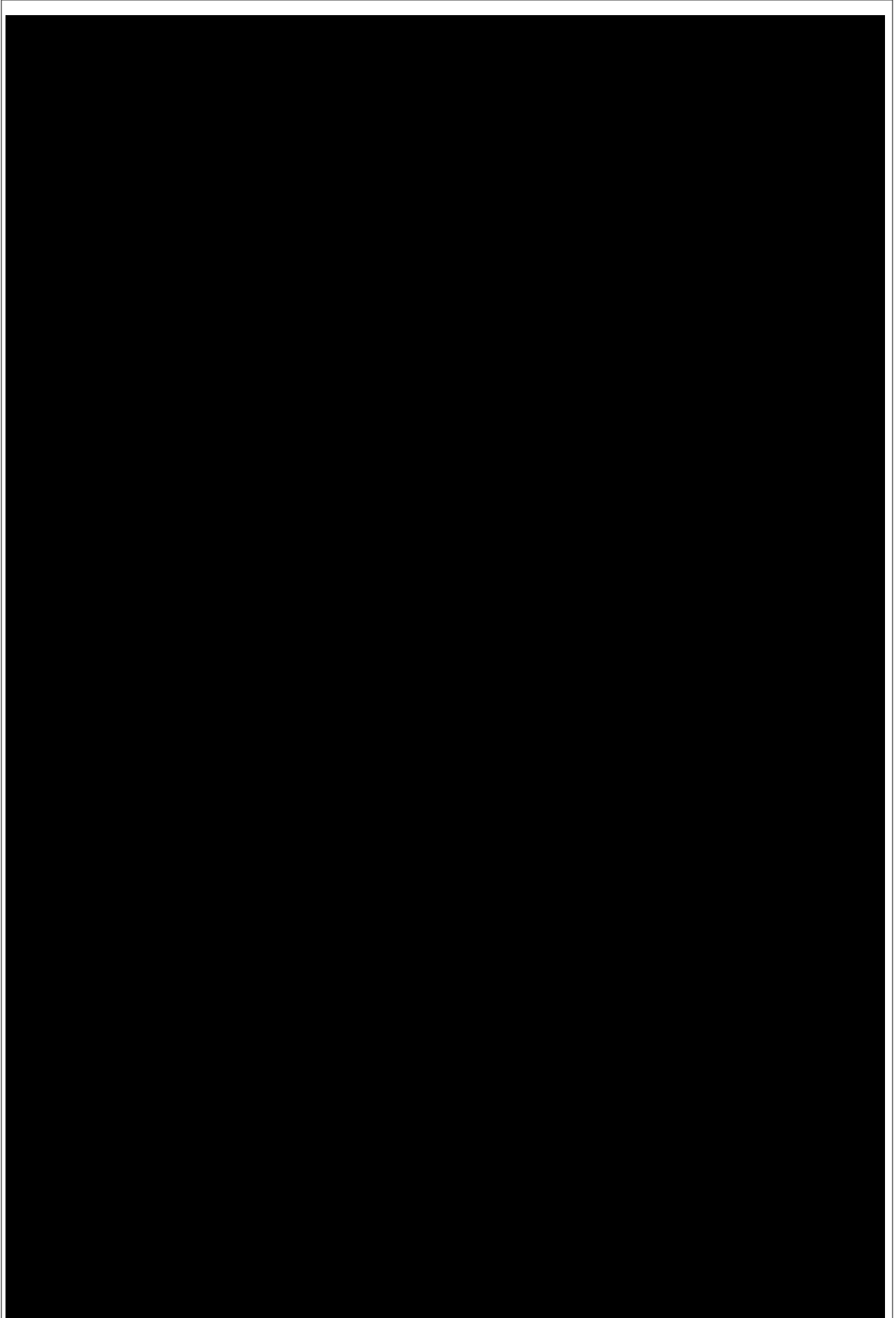












8 Q. Do you know -- are you familiar with a place
9 called The Hometown Pharmacy?

10 A. I've heard the name.

11 Q. They were -- they were a growing chain back
12 in 2008, weren't they?

13 A. Like I said, I've heard the name. I don't
14 know specifically. I believe, were they a customer?

15 Q. Do you know who Heath Ullman is?

16 A. Yes. He was a telesales rep.

17 Q. Yeah. So -- let's take a look at this.

18 (Discussion off the record.)

19 (Anda-Versosky Exhibit 10 was marked for
20 identification.)

21 BY MR. PENNOCK:

22 Q. Sir, take a look at this e-mail. It begins
23 with an e-mail from Mr. Ullman.

24 MS. KOSKI: Is there another one?

25 MR. PENNOCK: That's the same one. I gave

1 you two.

2 THE VIDEOGRAPHER: Could you slide a little
3 more to your left? I'm sorry.

4 Thank you.

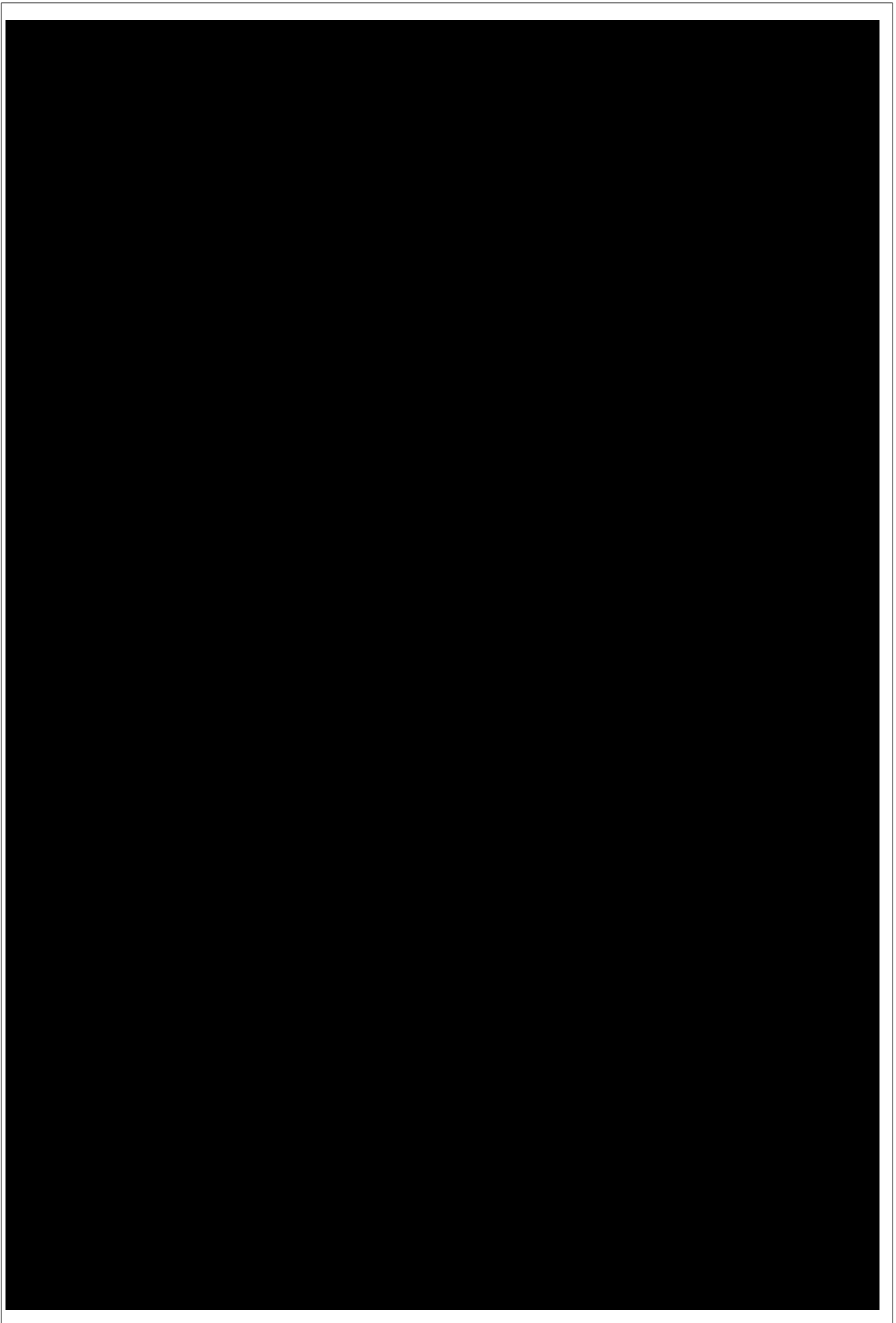
5 BY MR. PENNOCK:

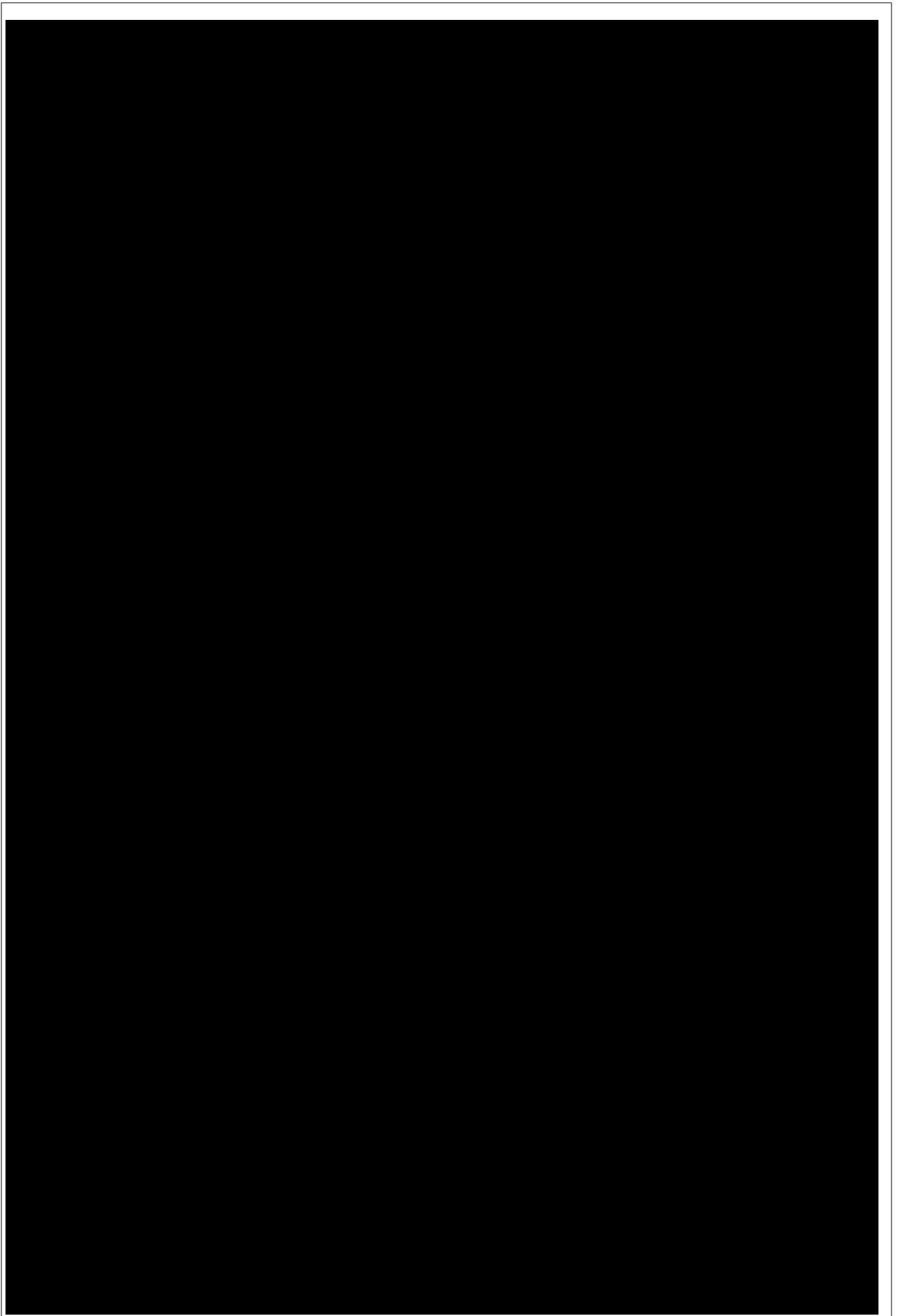
6 Q. Are you ready, sir?

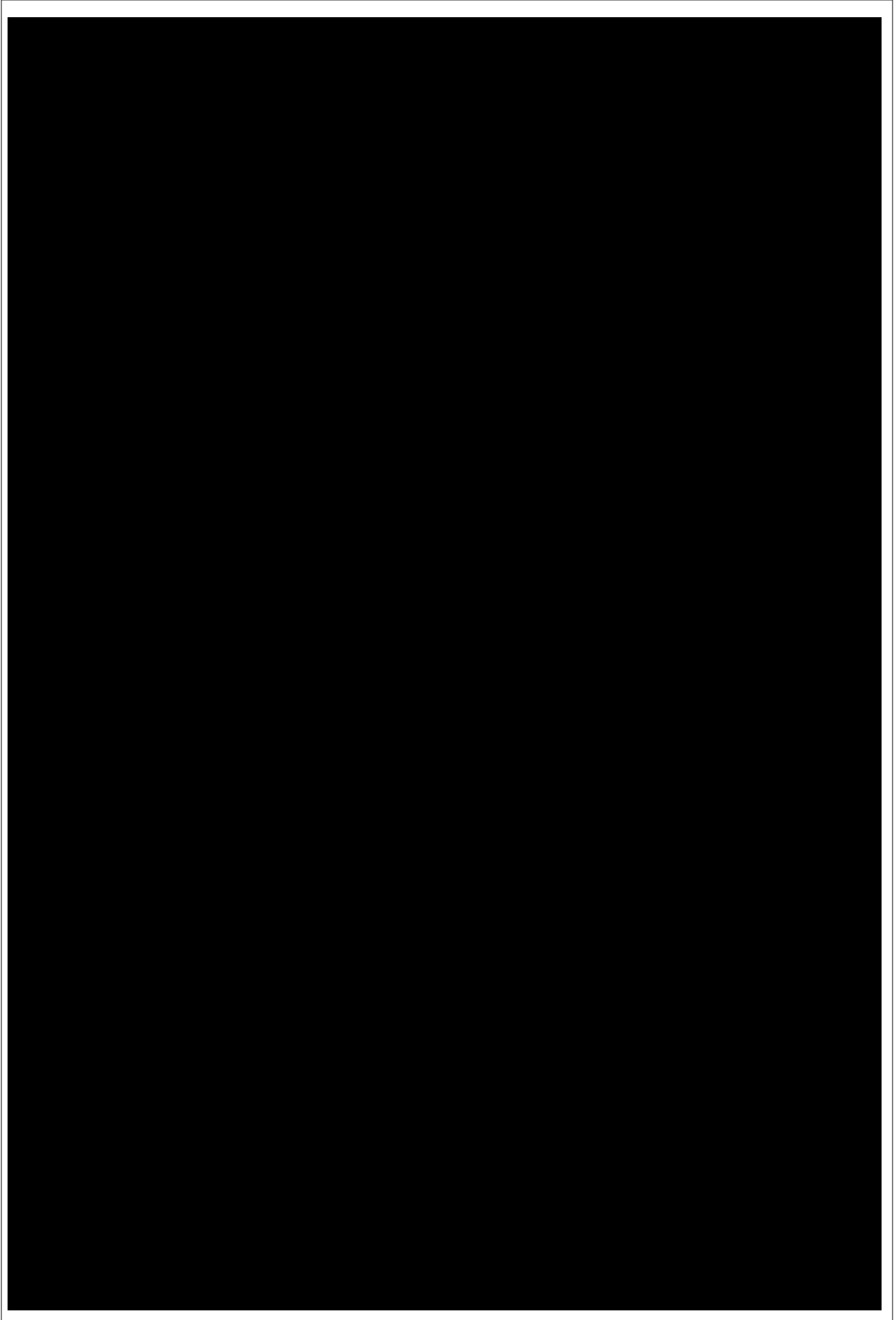
7 A. No, I'm sorry. I'm reading the last page.

8 Okay.

9 Q. Exhibit 10 is an e-mail thread that bears
10 Bates number 0000272169, and it runs to 171.









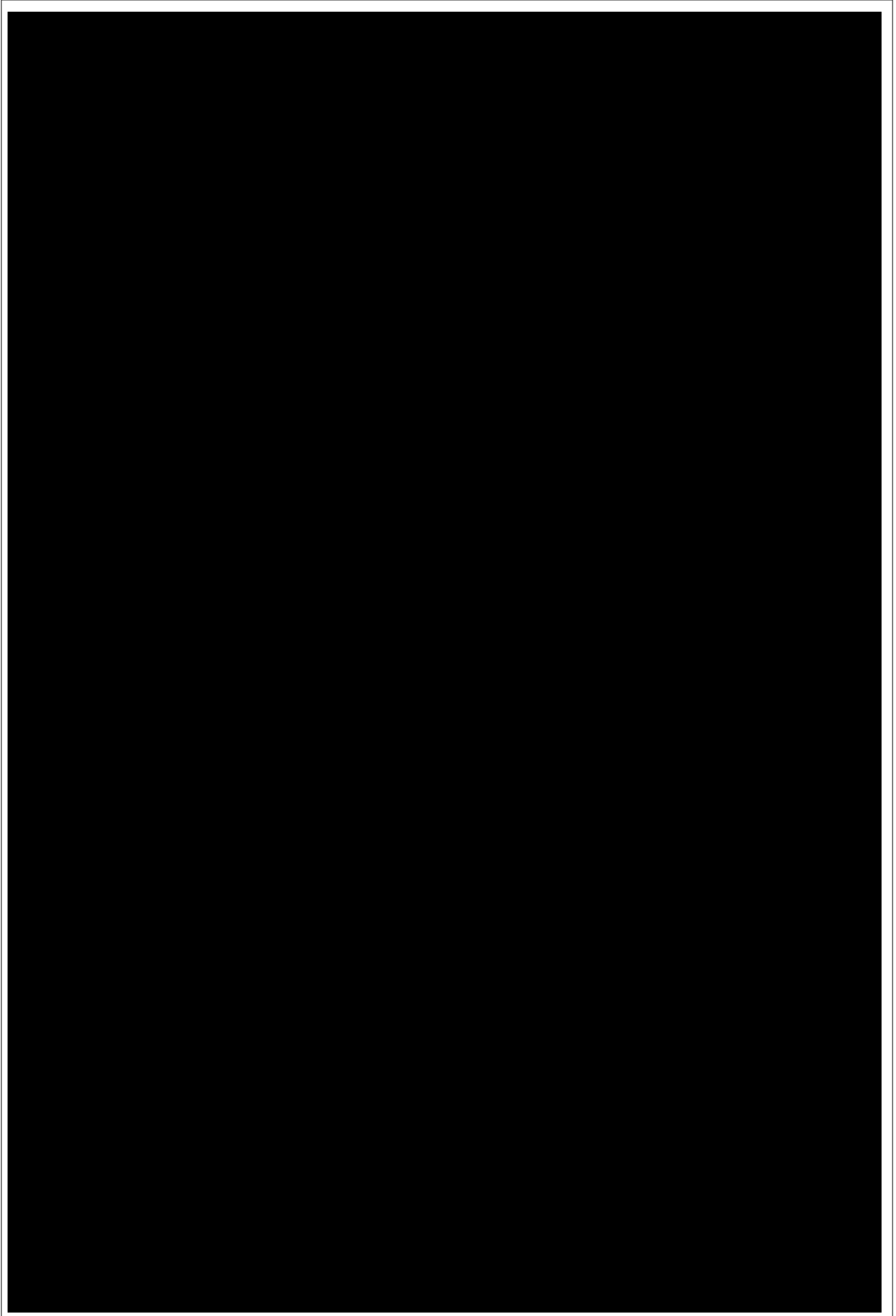
19 Q. Do you know how many overdose deaths there
20 were in Cuyahoga County, Ohio, in 2008?

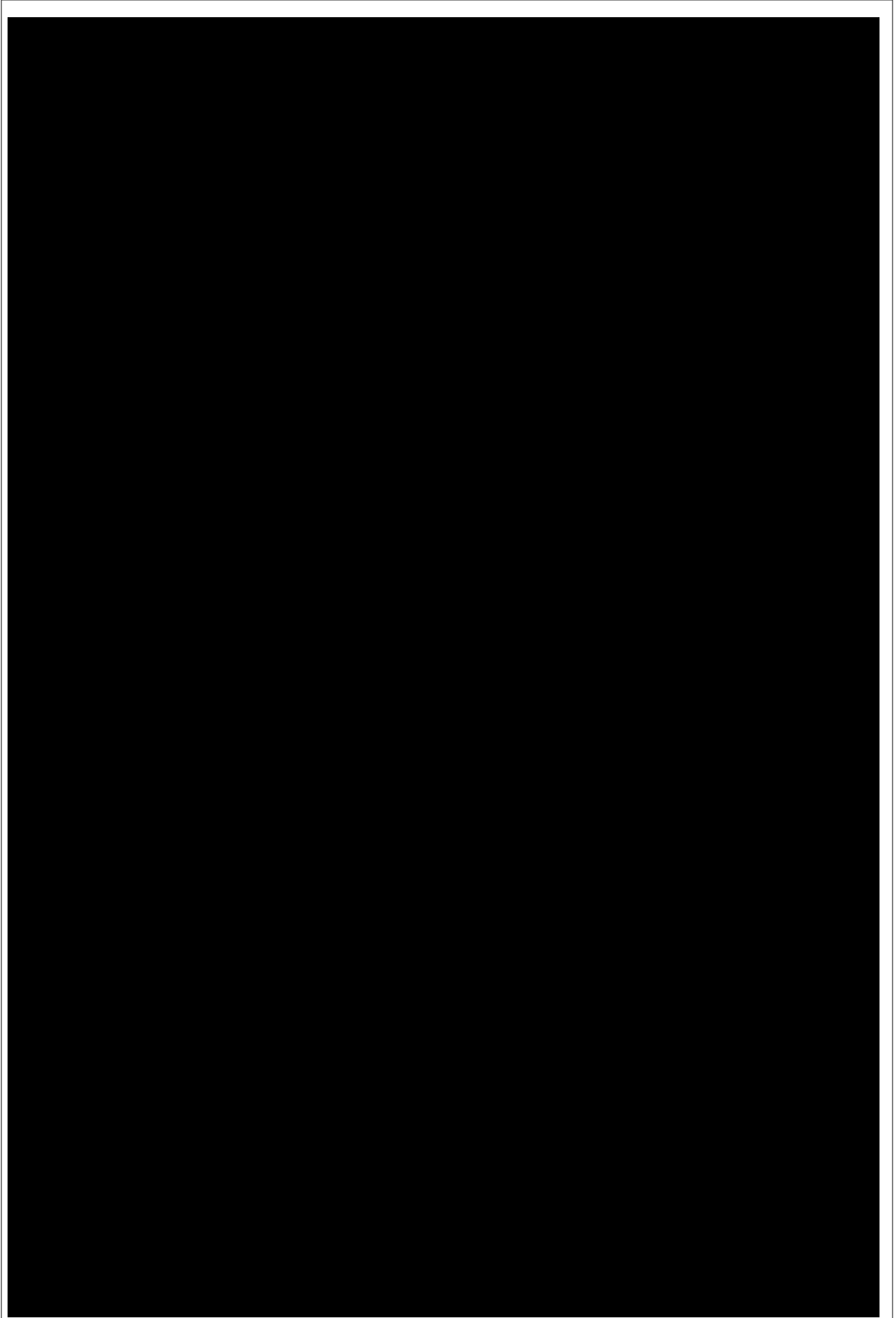
21 A. I don't.

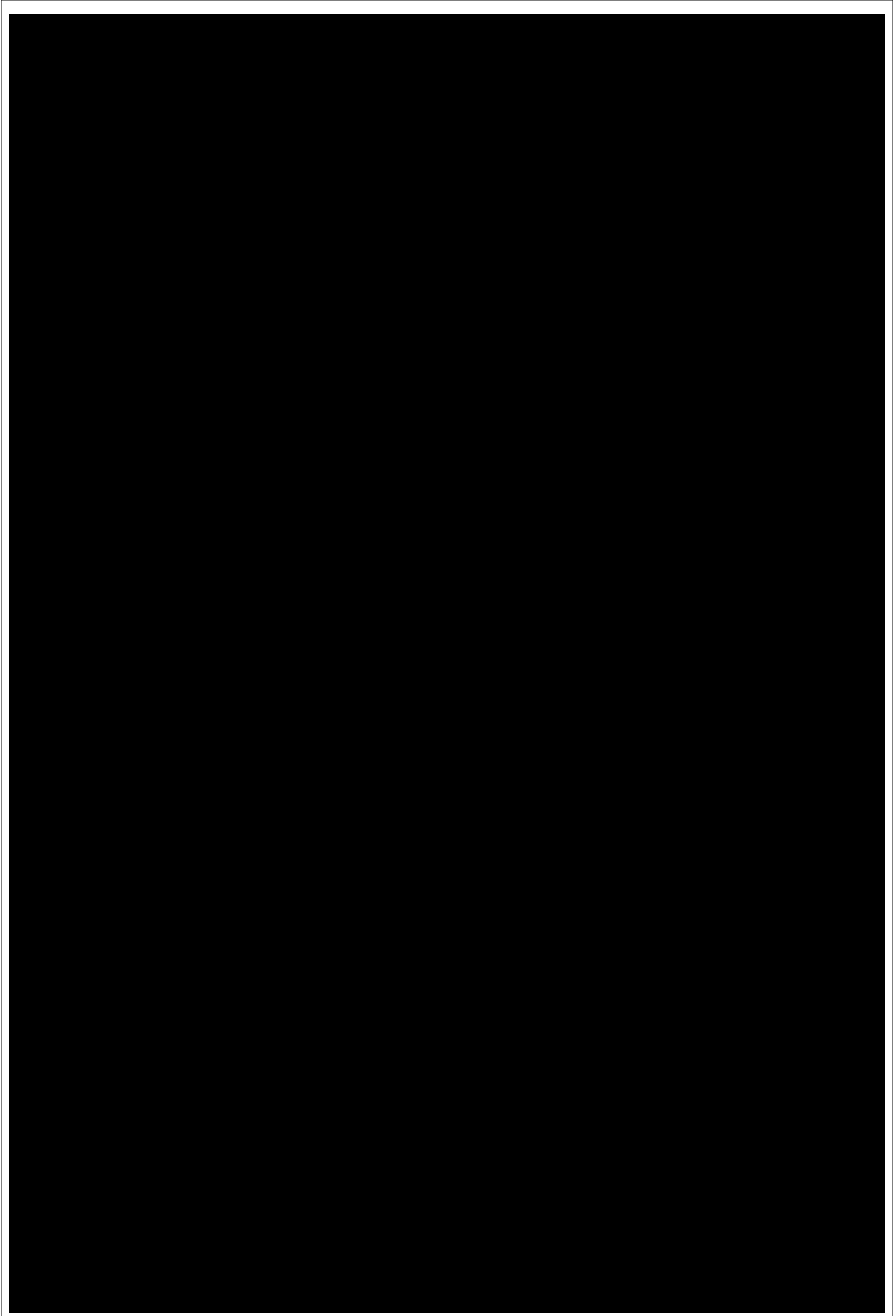
22 Q. What about 2009?

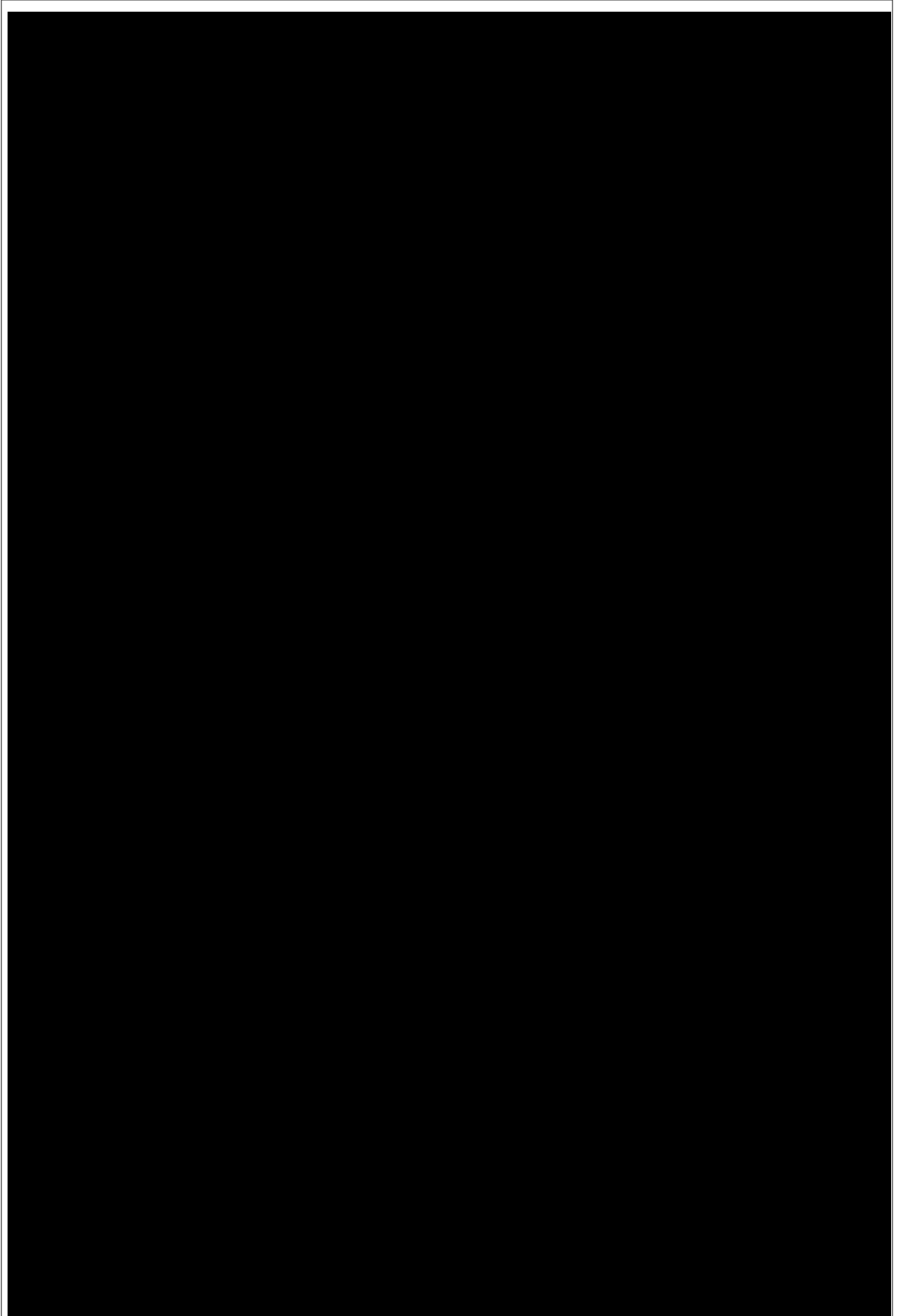
23 A. I don't.

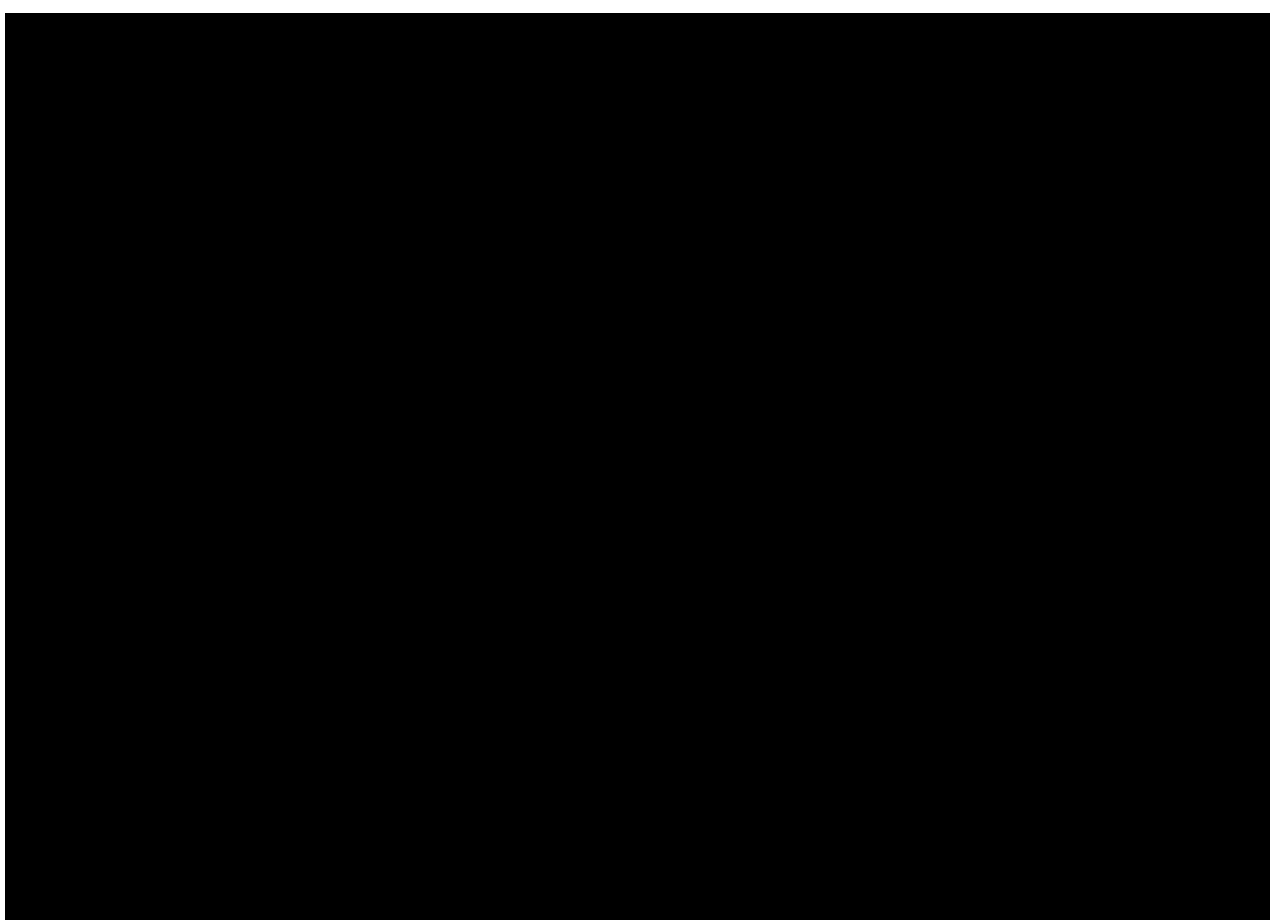












13 Q. Right. And, in fact, you told us earlier
14 that sales didn't collect any of this information
15 that might be of assistance to Mr. Cochrane.

16 MS. KOSKI: Objection; mischaracterizes his
17 prior testimony.

18 A. Yeah, I don't believe I said that.

19 Q. Oh, you don't believe you said that?

20 A. No.

21 Q. You said that --

22 A. Can I stop you for one second and continue?

23 Q. No. You said you don't believe you said
24 that.

25 A. Okay.

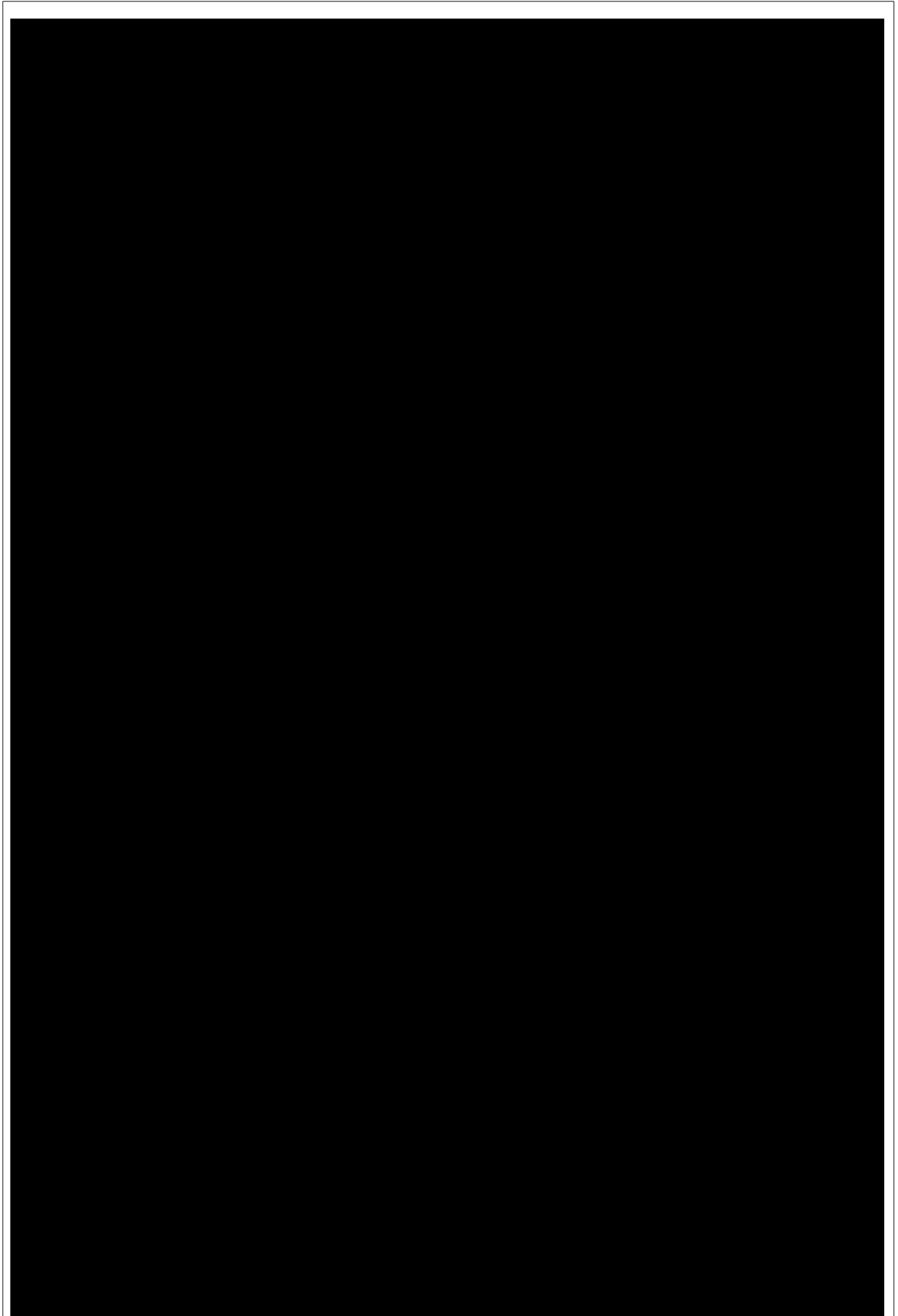
1 Q. You have testified here today on several
2 occasions that sales was -- was focused on the
3 opportunities and attempting to make the sale and
4 not involved with what the backstop was doing unless
5 asked.

6 Haven't you said that?

7 MS. KOSKI: Object to form.

8 A. Sales was collecting information for them,
9 for sure, and I believe I said that.





18 Q. Do you know who Norman -- Norman Dodes, is
19 that the Norm that was going to call Aetna?
20 A. Yes.

25 MS. KOSKI: Make sure he finishes his

1 question first.

2 MR. PENNOCK: Mark that, please.

3 (Anda-Versosky Exhibit 12 was marked for
4 identification.)

5 BY MR. PENNOCK:

6 Q. Sir, while you're reading that, I'm going to
7 identify for the record we've marked as Exhibit 12
8 to your deposition an e-mail thread that is
9 0000078156 through 158.

10 Are you ready?

11 A. Yes.

12 Q. This e-mail is -- the top e-mail is from
13 March 16th, 2009, 4:26 p.m.

14 Right?

15 A. Yes.

16 Q. Just coincidentally, this was the day before
17 the leadership meeting with those minutes that we
18 looked at, isn't it? That meeting was on March 17,
19 2009.

20 A. Okay.

21 Q. And Mr. Dodes sent an e-mail to Mr. Cochrane
22 and you, right?

23 A. Yes.

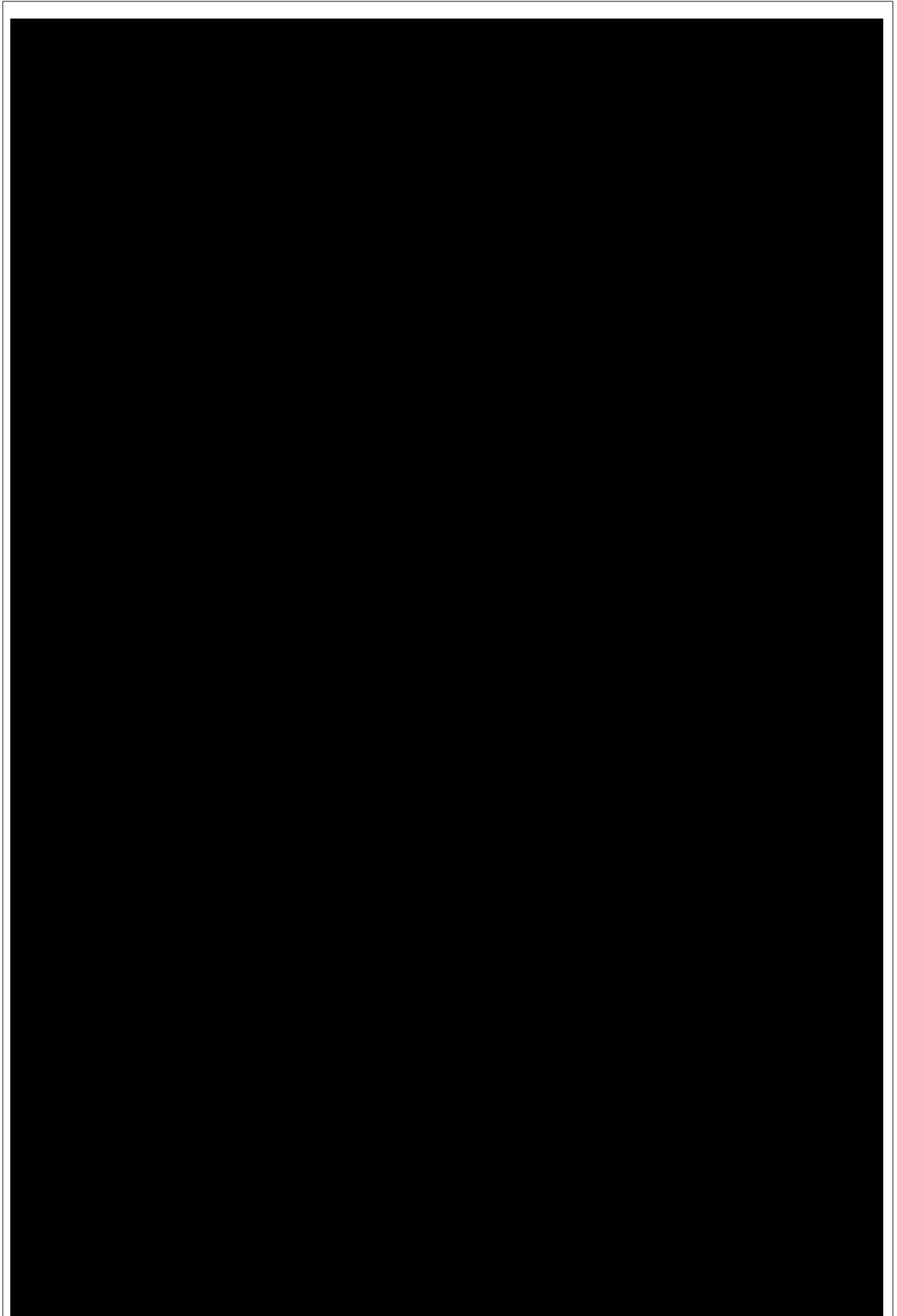
24 Q. It started out with an e-mail from Mike
25 Schneiderei from Assured Pharmacy.

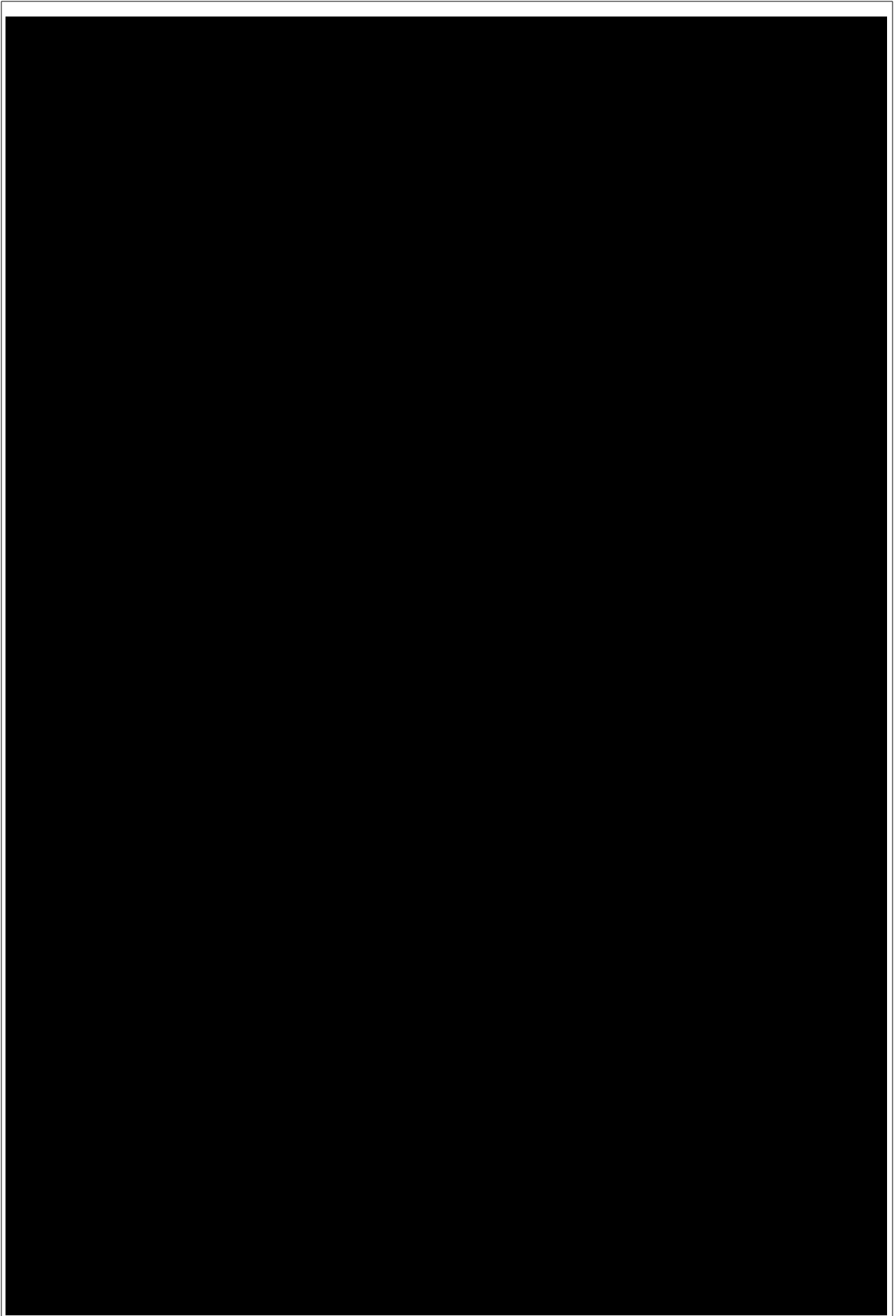
1 Do you see that?

2 A. Yes.

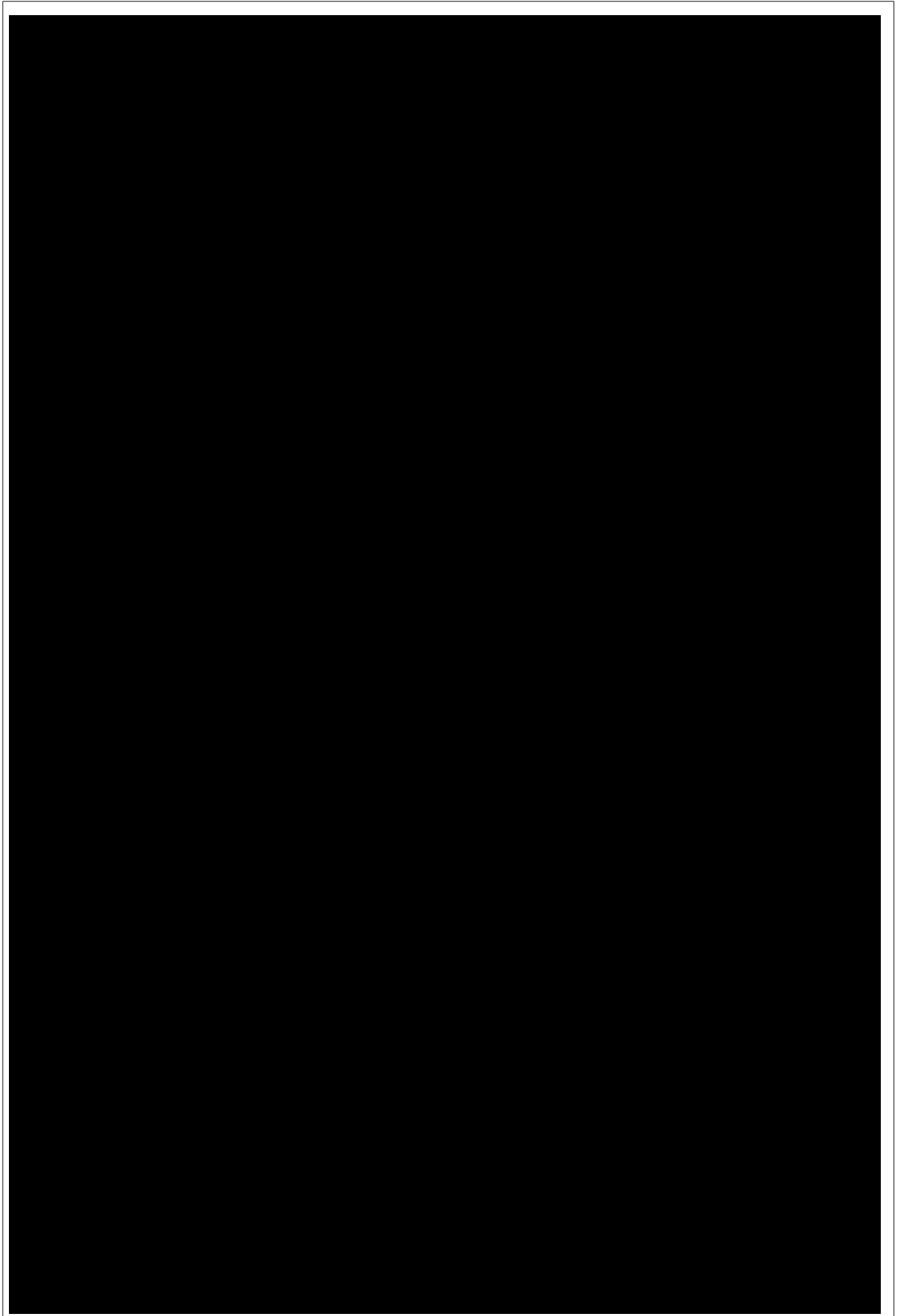
3 Q. And this has been forwarded on to you?

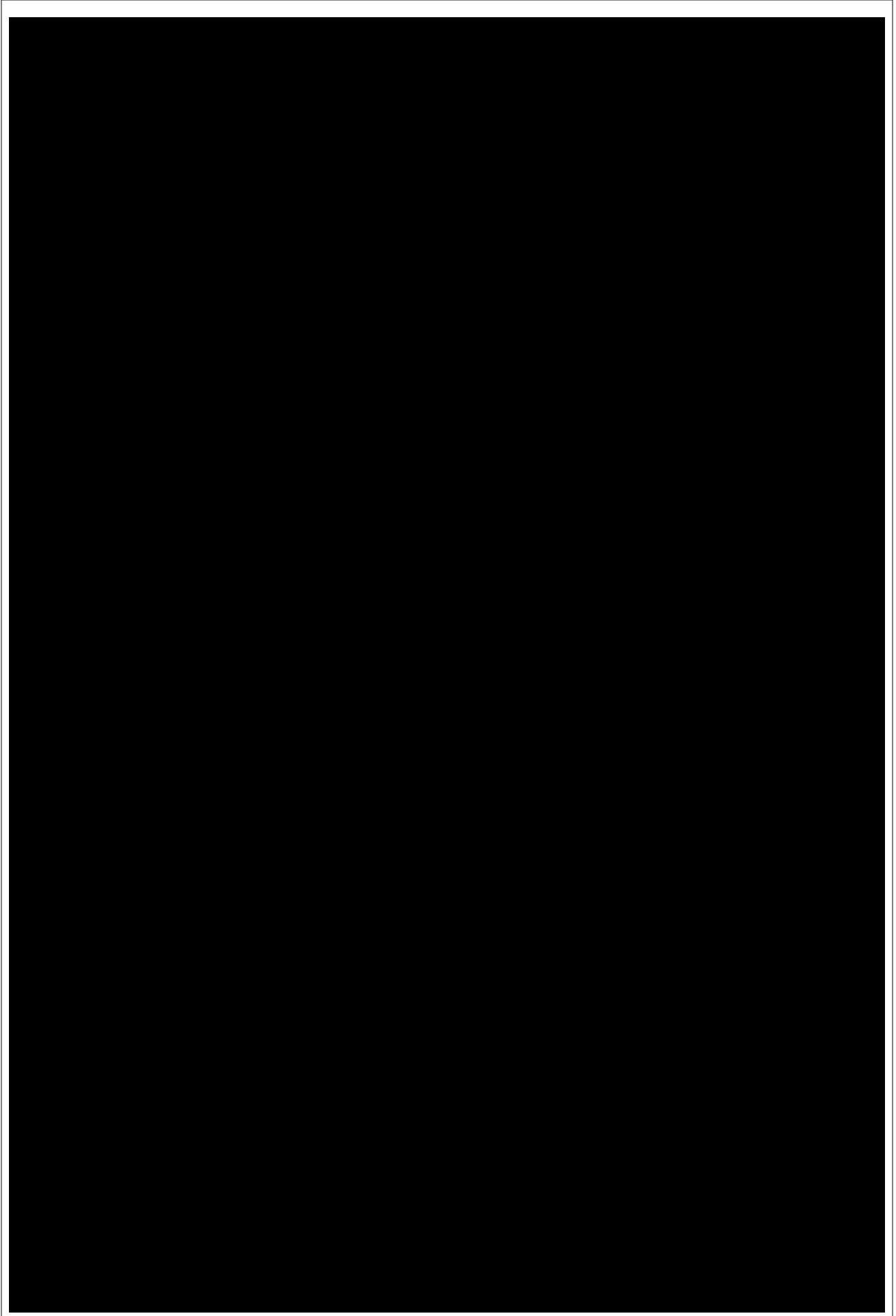
4 A. Yes. I see that.

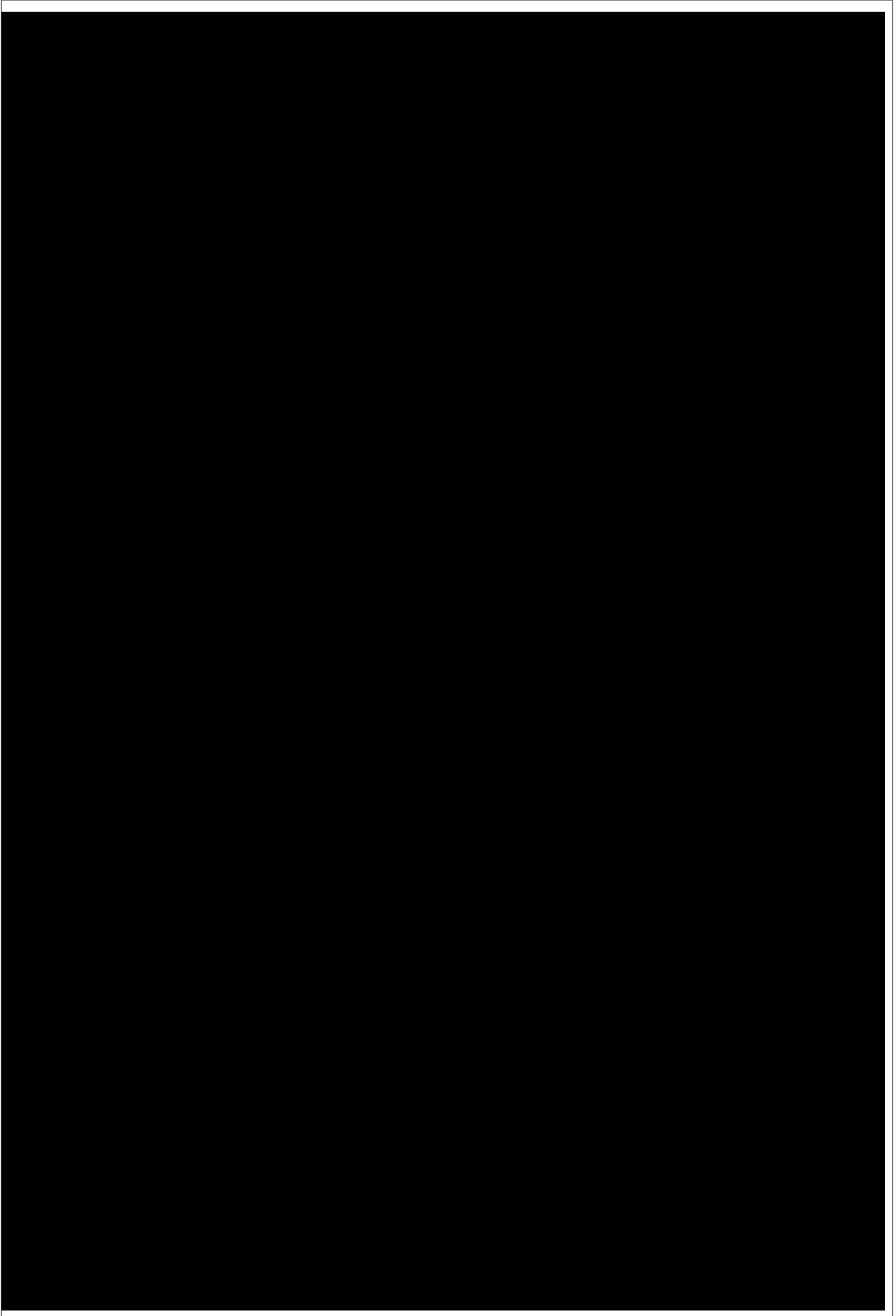


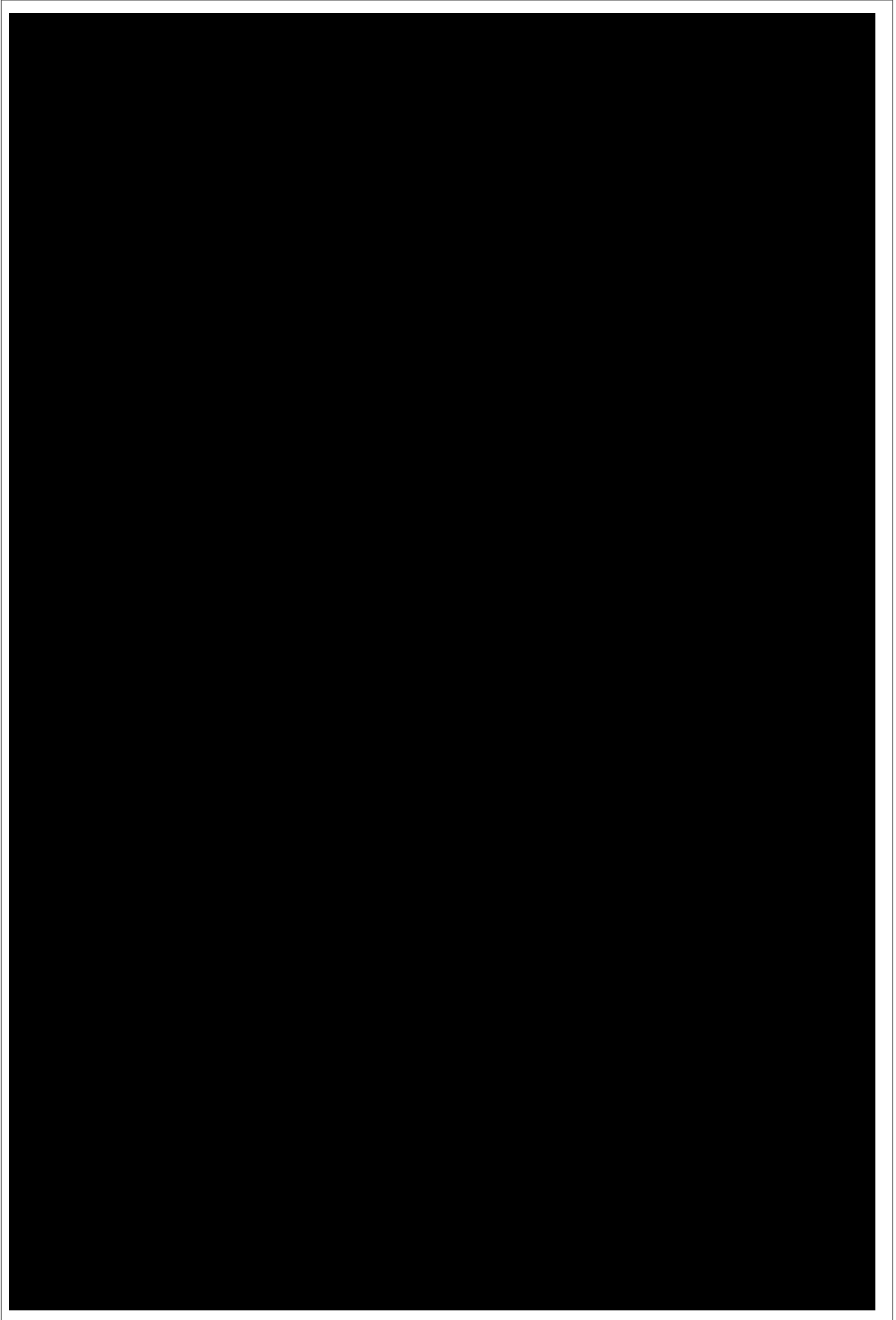












1 Q. So if what you're now telling us is the
2 correct interpretation of this, why did he want it
3 to happen, as he put it, as quick as possible?

4 A. Because Norm -- Norma -- it's a
5 Norm-specific -- he's a very aggressive talker, a
6 very aggressive salesperson in trying to make sure
7 things happen quickly.

8 He's a New York guy. He's -- he's very
9 aggressive.

10 MS. KOSKI: Not that all New York guys are
11 aggressive, necessarily.

12 I think they're all from New York.

13 THE WITNESS: I'm from New York.

14 (Anda-Versosky Exhibit 13 was marked for
15 identification.)

16 MS. KOSKI: Thank you.

17 BY MR. PENNOCK:

18 Q. Okay. Sir, we've marked as Exhibit 13 to
19 your deposition an e-mail bearing Bates number
20 0000110089.

21 Have you had a chance to look at that?

22 A. Yes.

23 Q. And this is an e-mail from Marc Falkin.

24 He was in sales, right?

25 A. Yes.

1 Q. And it's to a very large distribution list.

2 Would you agree with me?

3 A. Yes.

4 Q. He's got the Anda Pharmacy Group, Anda
5 Pricing, Anda Gurney Reps, Anda West Coast Group,
6 Anda Marketing, Anda Purchasing.

7 A. Yeah, just a point of clarification. At
8 this point, Marc may have been in marketing, but I
9 don't know that it matters.

10 Q. Okay. Anda National Accounts.
11 That would include you, right?

12 A. Yes.

13 Q. Anda New York Sales, Anda Injectables, Anda
14 PR Sales, Anda Sales Floor Managers.

15 All of these have lots of people in these
16 distribution lists, right?

17 A. Yes.

18 Q. And then he listed a number of people
19 individually, including you?

20 A. Yes.

21 Q. And Mike Cochrane, the backstop, right?

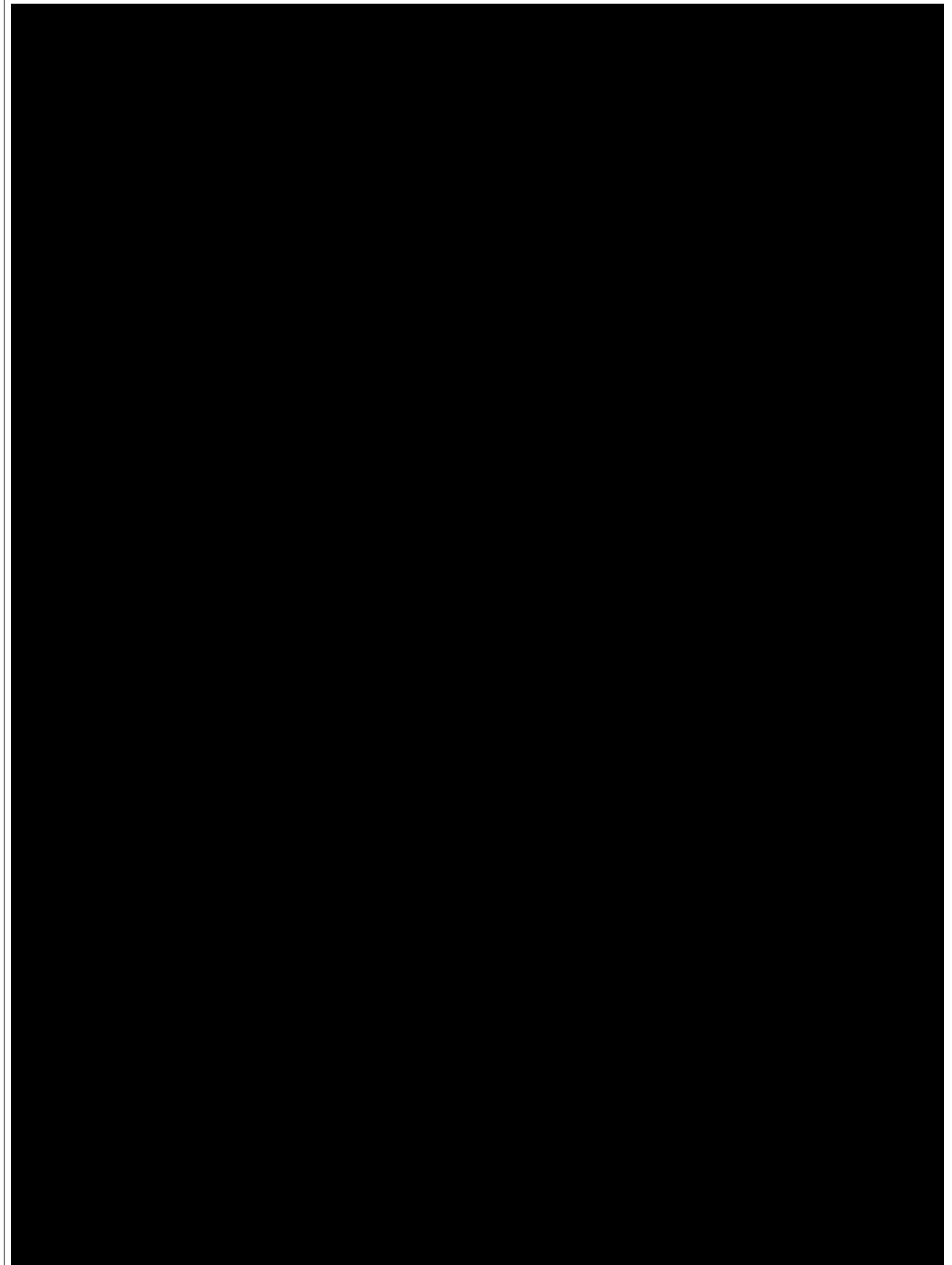
22 A. Yes.

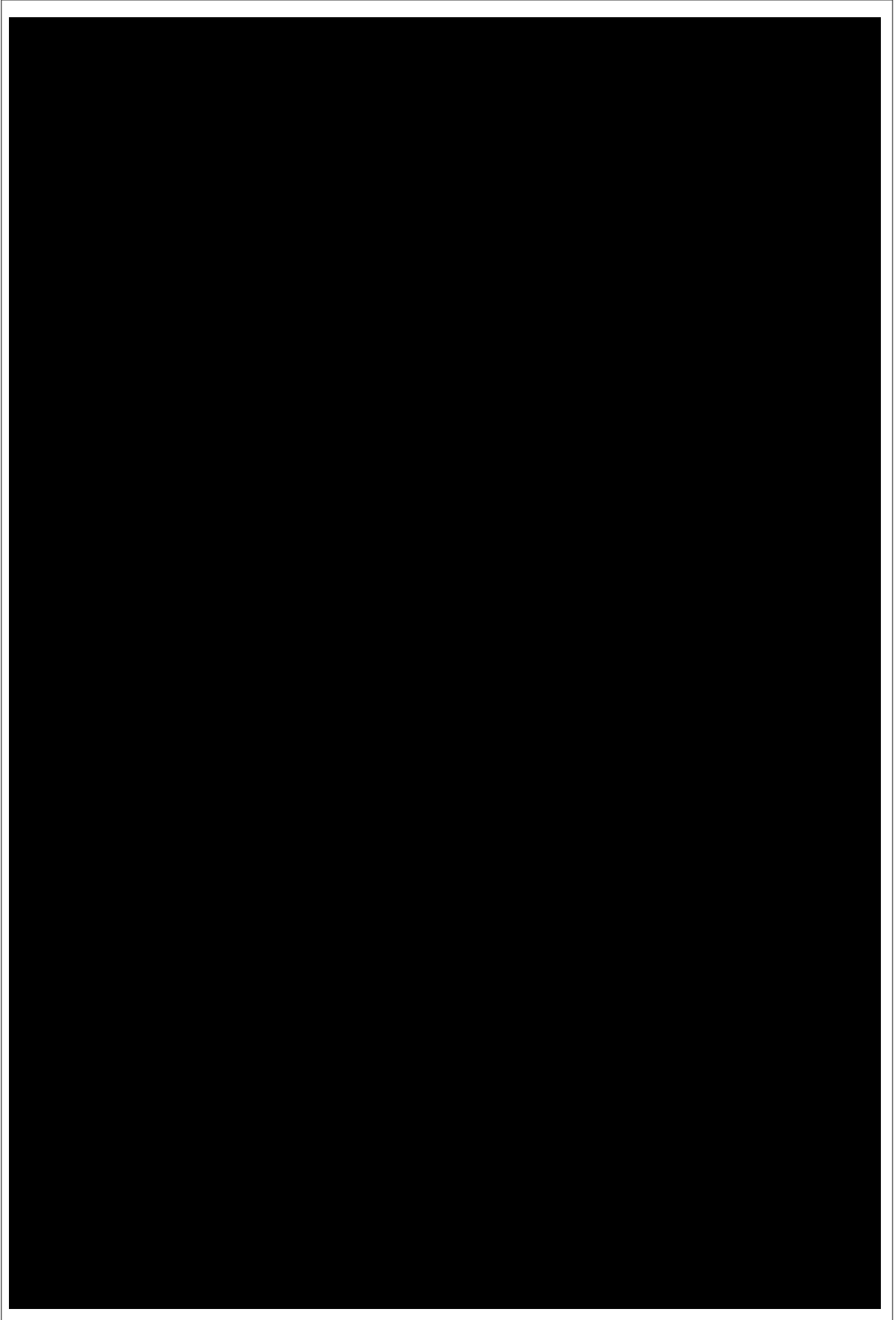
23 Q. And this Patrick Cochrane, he's -- he was
24 in --

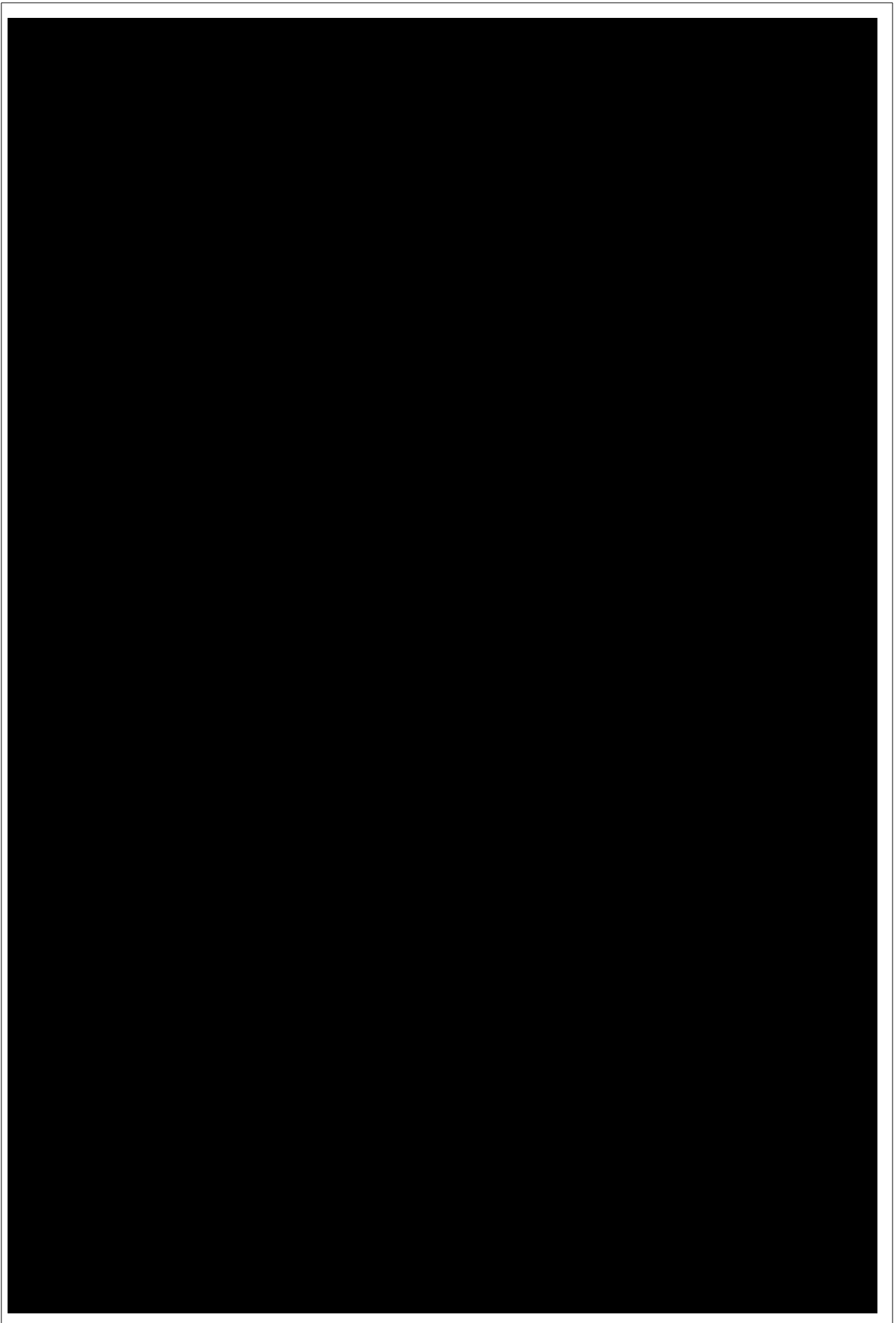
25 A. Logistics.

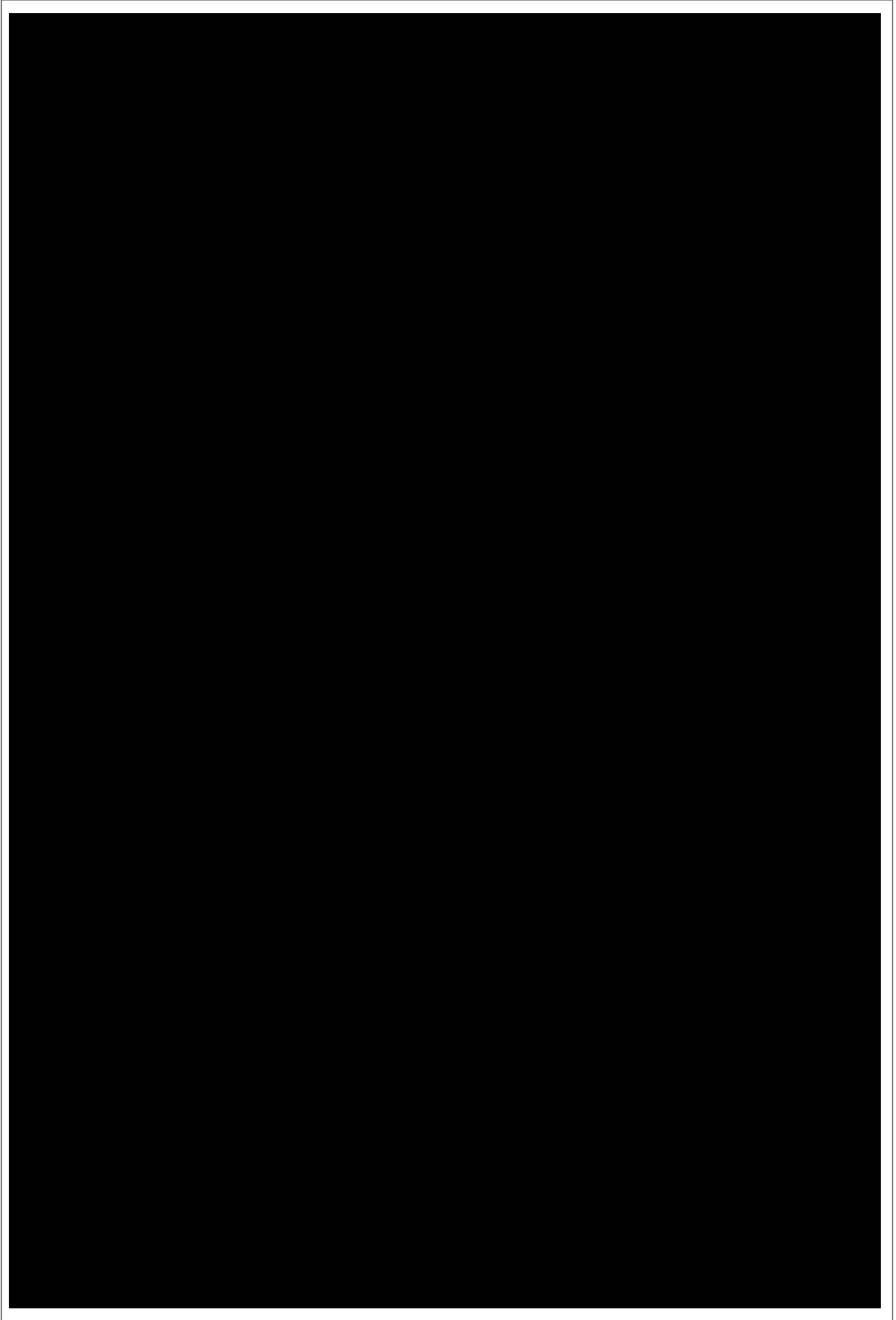
1 Q. Logistics?

2 A. Yeah. The warehouses.









14 Q. Well, that -- in -- that's the problem with
15 all of this that we've been looking at, isn't it?

16 The attitude?

17 MS. KOSKI: Object to form.

18 BY MR. PENNOCK:

19 Q. I'll rephrase.

20 You understand that the issue that we're --
21 that we've been looking at is that attitude that
22 prevailed inside Anda with respect to selling
23 opioids? Do you understand that's the point that
24 we've been looking at?

25 MS. KOSKI: Objection --

1 BY MR. PENNOCK:

2 Q. Or no, maybe you don't understand that?

3 MS. KOSKI: Object to form.

4 Mischaracterizes testimony.

5 You can answer.

6 BY MR. PENNOCK:

7 Q. I'm sorry. My questioning -- I'll rephrase.

8 She's right this time.

9 We're -- these e-mails that we've been
10 looking at, sir, all reflect an attitude inside
11 sales at Anda that had to do with moving product
12 and -- when you were talking about controlled
13 substances were the product.

14 MS. KOSKI: Object to form.

15 BY MR. PENNOCK:

16 Q. Do you understand that?

17 A. I do understand that.

18 Q. Don't you agree that the attitude, back
19 then, at least, was not a responsible attitude
20 toward this product?

21 MS. KOSKI: Object to form.

22 A. I don't agree.

23 Q. Don't you agree that it was not a cautious
24 attitude toward this product distribution?

25 MS. KOSKI: Object to form.

1 A. I do not agree.

2 Q. Don't you agree that it was an attitude to
3 inside sales of "just move this product" like it was
4 any other type of product, widgets?

5 MS. KOSKI: Object to form.

6 A. I think there was -- there was definitely
7 more caution related to these types of products than
8 others; however, from a sales standpoint, we were
9 very much trying to sell with having the compliance
10 as a separate group, as you mentioned, as our
11 backstop.

12 We -- but, you know, pulling e-mails across
13 years and looking at someone's language, I mean, I
14 would ask Marc about his language on looking for a
15 home for that. I don't -- you know, that's --
16 that's pulling a lot of strings together.

17 Q. Looking for a home to destroy maybe, huh?

18 MS. KOSKI: Object to form.

19 You don't have to answer that.

20 BY MR. PENNOCK:

21 Q. You made some allusion to one e-mail or a
22 handful of e-mails, but we talked earlier, we're
23 only looking at e-mails that you were on, right?

24 MS. KOSKI: Object to form.

25 BY MR. PENNOCK:

1 Q. Aren't we?

2 A. I don't know. Was I on all of these?

3 Q. At some point in the thread you were on the
4 e-mails.

5 A. Okay.

6 Q. And we talked earlier, there are only a few
7 hundred over 12 years with your name on it?

8 MS. KOSKI: Object to form.

9 A. Is that a question?

10 Q. Yes. The question was: And we talked
11 earlier, there are only a few hundred over 12 years
12 with your name on it?

13 MS. KOSKI: Object to form.

14 A. Okay.

15 Q. Right?

16 A. That's not a question.

17 Q. That exists today?

18 A. You're asking me if that's the case. I
19 don't know. I can't look that up.

20 MS. KOSKI: Objection. That
21 mischaracterizes -- "that exists today" is not
22 what you talked about earlier, right?

23 BY MR. PENNOCK:

24 Q. We're talking about e-mails with your name
25 on it related to opioids. There are only some few

1 hundred e-mails for an entire 12-year period.

2 MS. KOSKI: Object to form.

3 Mischaracterizes the discovery record.

4 A. Again, I'm sorry, I'm not -- I don't know
5 what your question is because I can't --

6 Q. My question is you understand that there are
7 only --

8 A. I understand that you're telling me that.

9 Q. That I'm telling you that?

10 A. Yes.

11 Q. And you said that didn't surprise you or
12 words to that effect?

13 A. Correct.

14 MS. KOSKI: Object to form.

15 BY MR. PENNOCK:

16 Q. Right?

17 A. Yeah.

18 Q. You said, yeah, there might have only been a
19 few hundred e-mails related to opioids with my name
20 on it, right?

21 A. Yes.

22 Q. Okay. But then you made some allusion to
23 this, like I'm picking out, you know, a limited
24 number of e-mails, but you understand the pool from
25 which we had to look was pretty limited.

1 A. Okay.

2 MS. KOSKI: Object to form. Argumentative.

3 BY MR. PENNOCK:

4 Q. Okay. I'll withdraw that.

5 (Discussion off the record.)

6 (Anda-Versosky Exhibit 14 was marked for
7 identification.)


8 BY MR. PENNOCK:

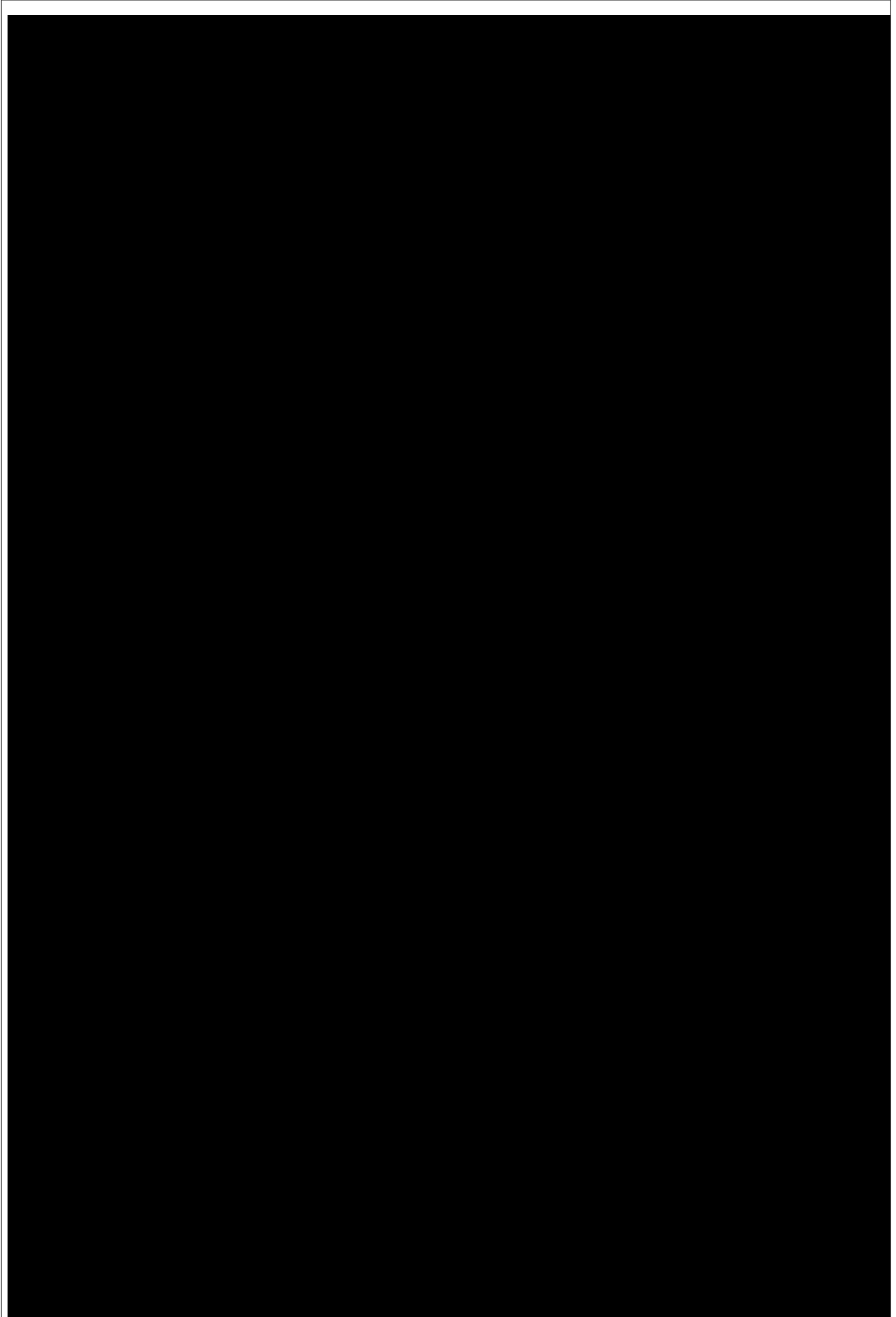
9 Q. We've marked as Exhibit 14 to your
10 deposition a document that appears to be some type
11 of promotion that was faxed out to customers, right?

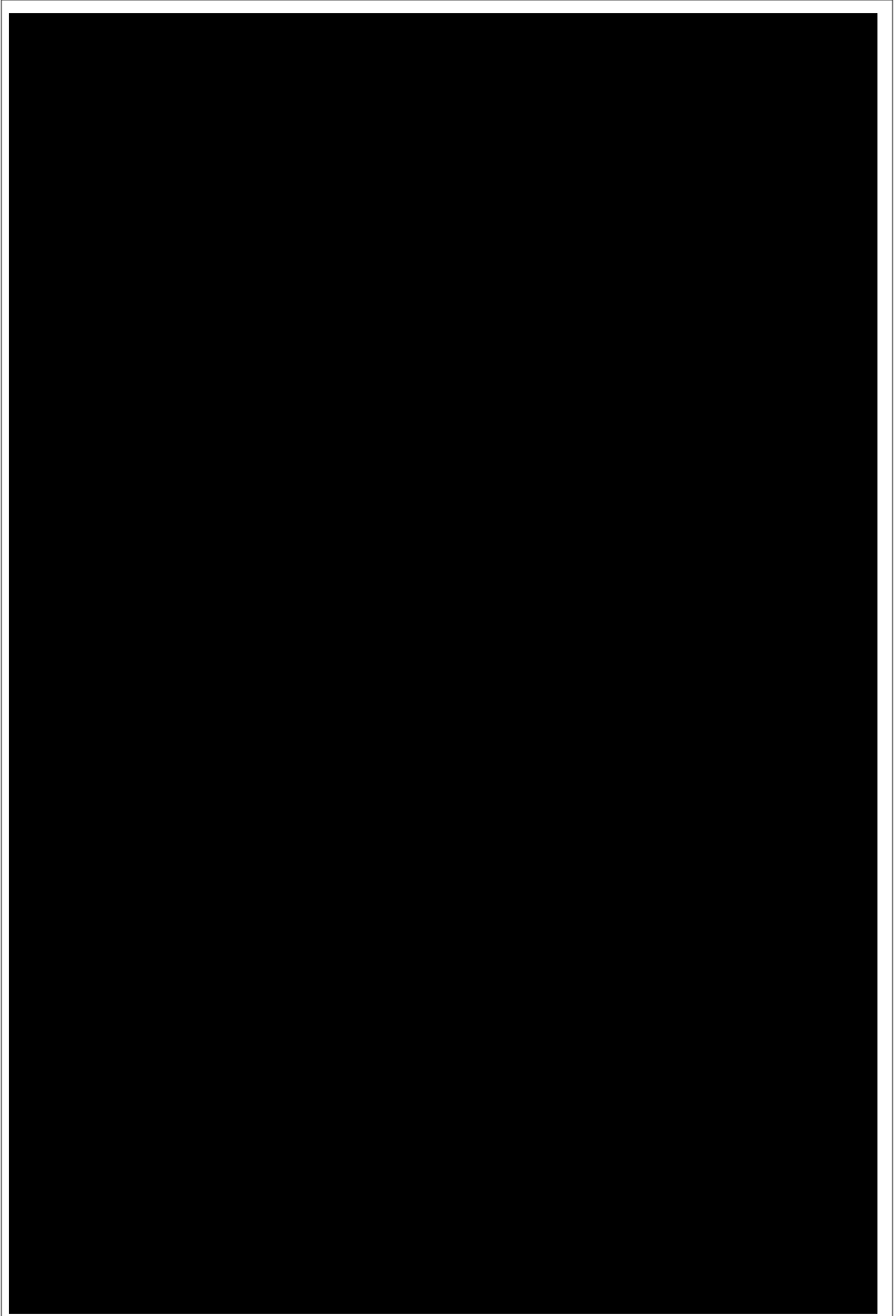
12 A. Yes.

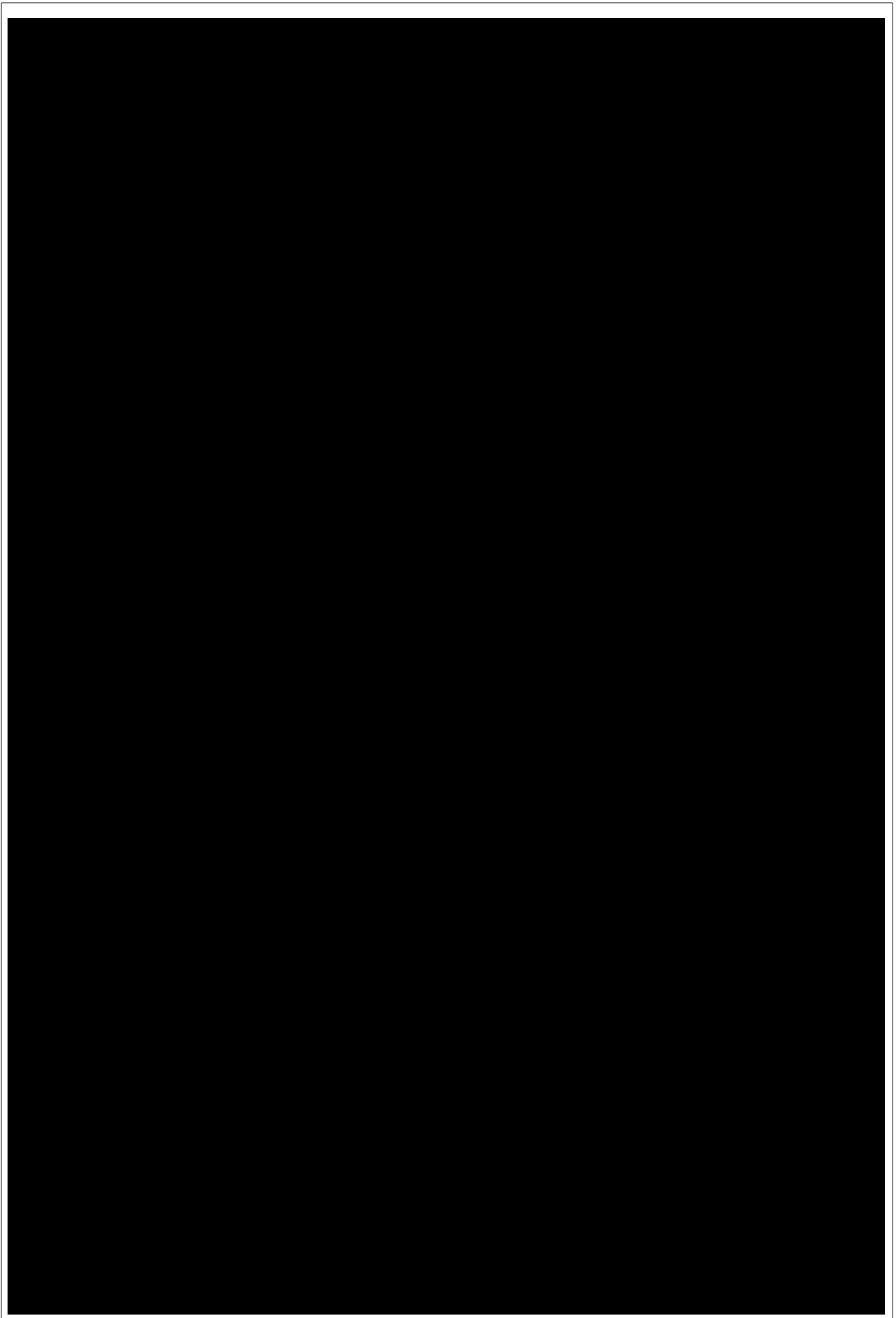
13 Q. And it would have been faxed out to
14 customers who still ordered by paper.

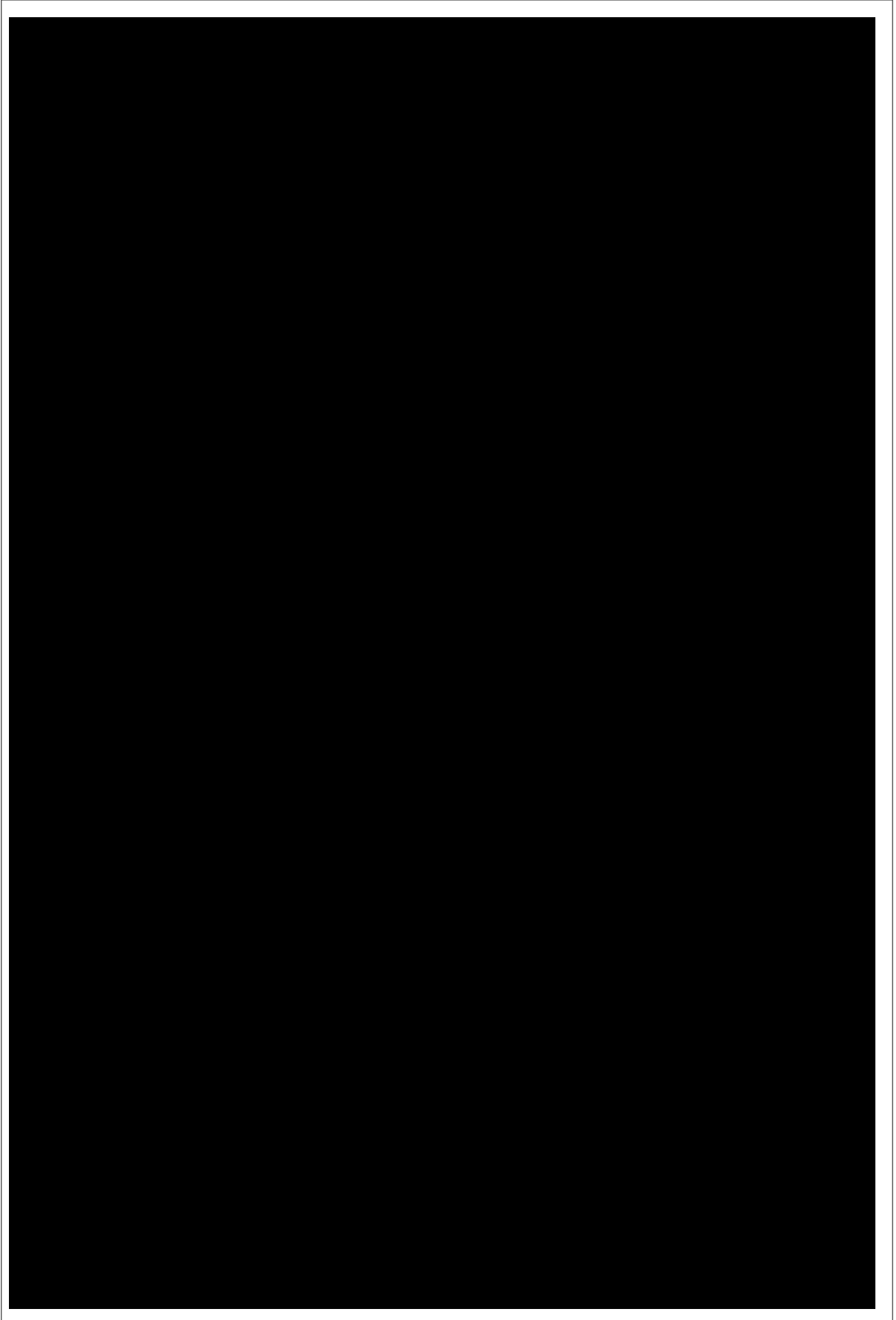
15 Do you agree with that?

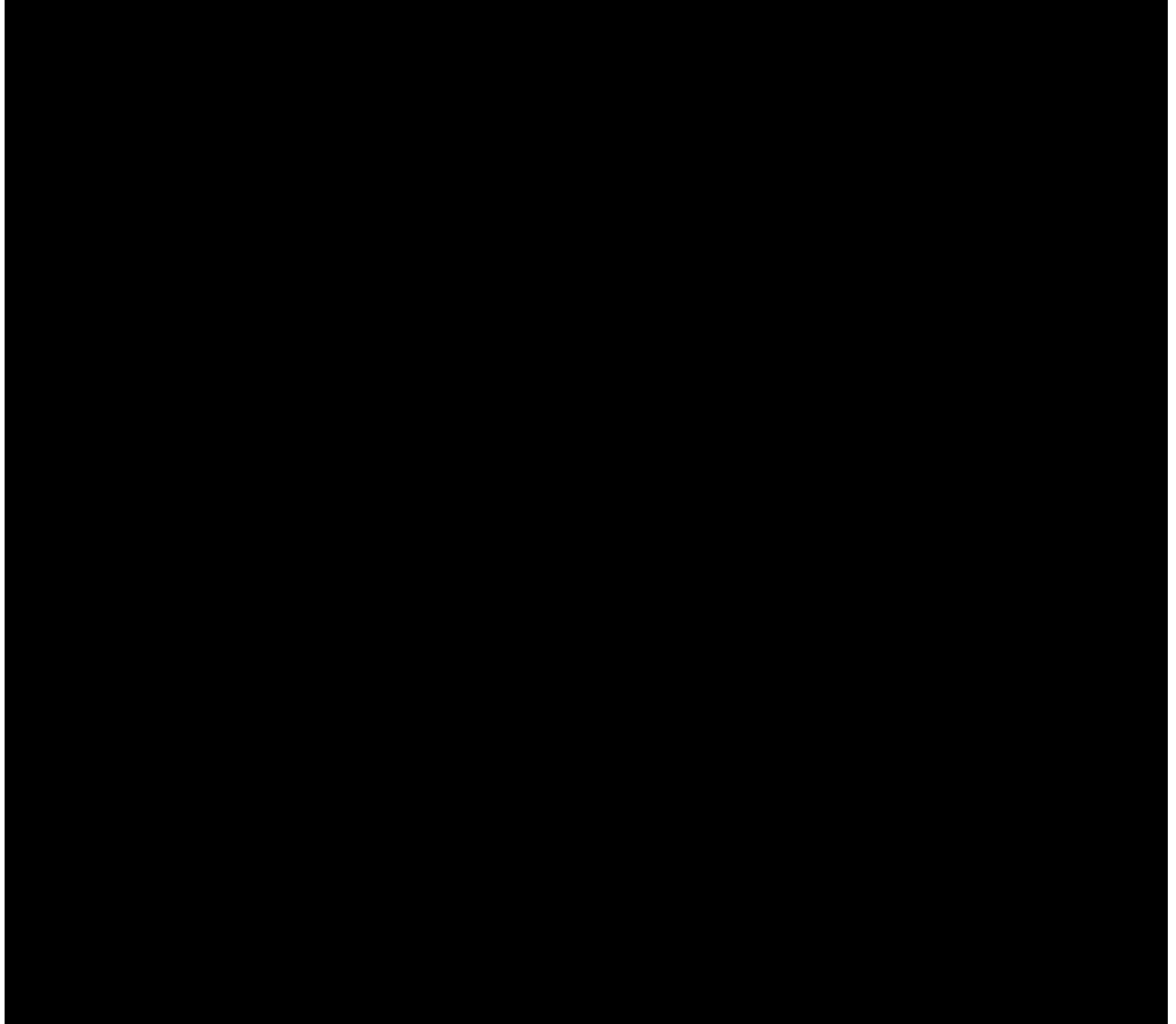












16 Q. Did y'all ever wonder why this product was
17 always in short supply on the market?

18 MS. KOSKI: Object to form.

19 BY MR. PENNOCK:

20 Q. That's a simple question.

21 Did you ever sit there and go, gee, how
22 come -- how come oxycodone always seems to be in
23 short supply on the market?

24 MS. KOSKI: Object to form.

25 BY MR. PENNOCK:

1 Q. Did you ever think about that?

2 MS. KOSKI: Object to form. Sorry.

3 BY MR. PENNOCK:

4 Q. Yes or no?

5 A. Yes, we knew why.

6 Q. Oh, you knew why. Why did you know?

7 A. It wasn't in short supply overall. The
8 generic was in short supply.

9 Q. I see.

10 A. Not the brand. So people were looking to
11 get the generic so that they would --

12 Q. Get it cheaper?

13 A. -- could dispense that instead of the brand.

14 Q. I think we've all heard that phrase before,
15 haven't we? We've heard that phrase before, "order
16 while supplies last"?

17 A. Yes.

18 MS. KOSKI: Object to form.

19 BY MR. PENNOCK:

20 Q. Everybody has heard that phrase before
21 probably, right?

22 A. Yes.

23 Q. Doesn't it sound to you like "just move the
24 product"? Doesn't it sound like that --

25 MS. KOSKI: Object to form.

1 BY MR. PENNOCK:

2 Q. -- to you?

3 A. It doesn't.

4 Q. Doesn't. Does not?

5 A. No. I still go back to this was a -- this
6 was a product that people needed that we had supply
7 of. So this is -- is it a, you know, an
8 incentivizing statement to a customer that you need
9 to do this quickly? Yes. It's because we were
10 going to run out of product.

11 Q. So an incentivizing statement to a customer
12 about selling what, in essence, were heroin pills,
13 right?

14 MS. KOSKI: Object to form.

15 You don't have to answer that.

16 A. Yes.

25 Q. Okay.

1 MR. PENNOCK: I guess this would be a good
2 time to break for lunch if you want to.

3 MS. KOSKI: Okay.

4 MR. PENNOCK: Okay. Let's do that.

5 THE VIDEOGRAPHER: Off the record,
6 12:44 p.m.

7 (Recess from 12:44 p.m. until 1:36 p.m.)

8 THE VIDEOGRAPHER: On the record, 1:36 p.m.

9 BY MR. PENNOCK:

10 Q. Mr. Versosky, are you ready?

11 A. Yes.

12 Q. I want to --

13 MR. PENNOCK: I need a copy of this. Sorry,
14 I'll do it later. Here, take that.

15 BY MR. PENNOCK:

16 Q. Okay.

17 (Discussion off the record.)

18 MR. PENNOCK: Katy, let's go off the record,
19 please.

20 THE VIDEOGRAPHER: Off the record, 1:37.

21 (Recess from 1:37 p.m. until 1:40 p.m.)

22 THE VIDEOGRAPHER: On the record, 1:40 p.m.

23 BY MR. PENNOCK:

24 Q. Sir, I'm going to mark the next exhibit to
25 your deposition.

1 (Anda-Versosky Exhibit 15 was marked for
2 identification.)

3 BY MR. PENNOCK:

4 Q. Let me know when I may proceed,
5 Mr. Versosky.

6 A. Sure, I think you can proceed.

7 Q. I've marked as Exhibit 15 to your deposition
8 an e-mail bearing the number 0000610318.

9 This is an e-mail -- started out with an
10 e-mail from Kristin Watson to a few people,
11 including you, and then it ended up with a response
12 from you.

13 Right?

14 A. Yes.

15 Q. And continuing where we were, this talk --
16 the topic that I was talking to you about, so this
17 is -- this is November 10th, 2009, right?

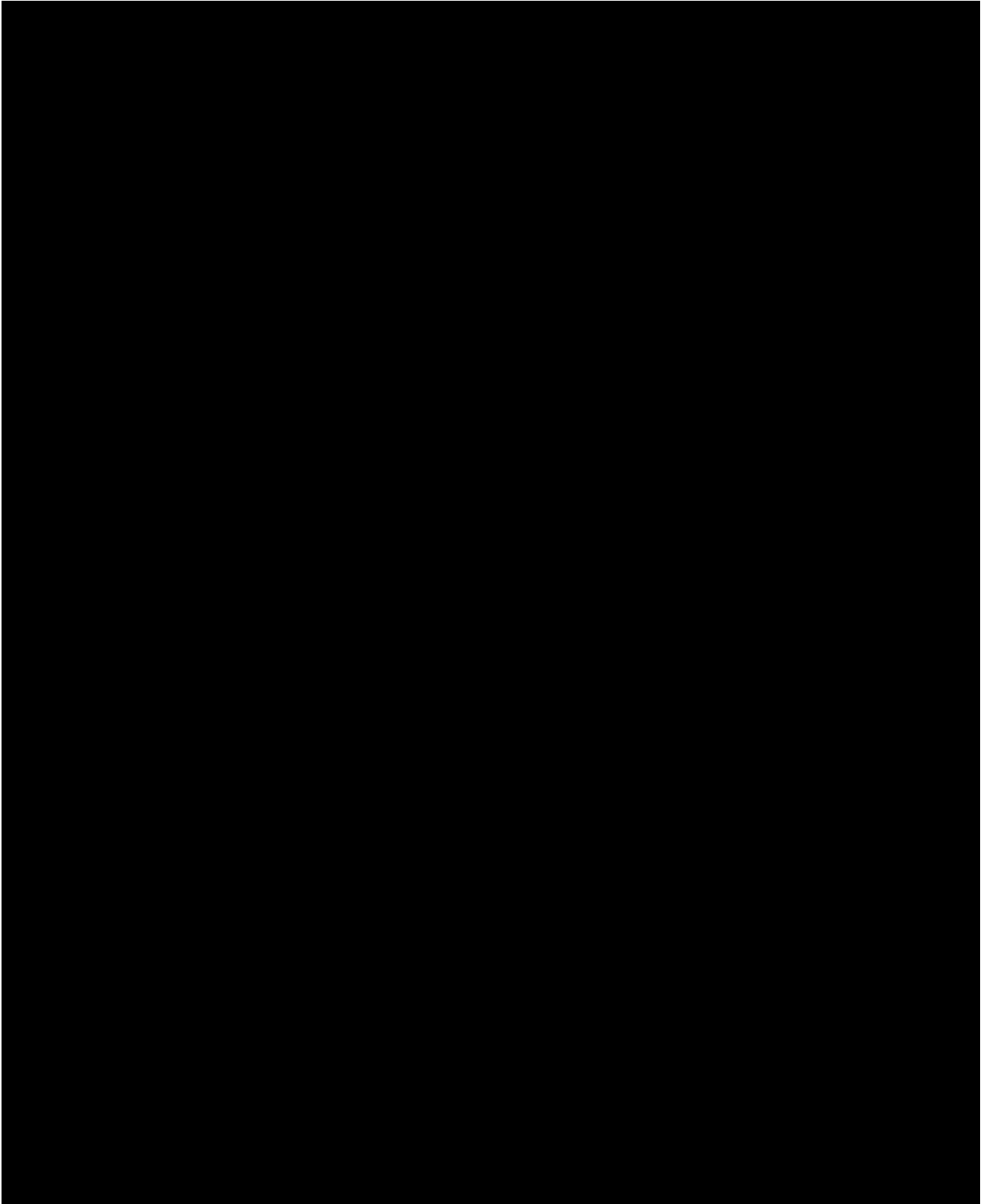
18 A. Yeah.

19 Q. That's your e-mail -- your response, anyway,
20 was November 10th. Yeah, the original e-mail was
21 also November 10th.

22 And it's -- this Kristin Watson, department
23 coordinator, what was that? What would she do?

24 A. I believe -- so on the telesales floor,
25 there were, you know, I think 100 some-odd -- 150

1 telesales people. The department coordinator was
2 kind of a -- you know, what you would call like an
3 admin for -- within that group to handle some
4 process stuff related to that many telesales people.



12 BY MR. PENNOCK:

13 Q. If you were selling to a whole -- if you
14 were opening up a new account for a wholesale
15 distributor in 2009, that company, after you opened
16 the account, might ask to buy opioids?

17 MS. KOSKI: Same objection. You can answer.

18 A. Yeah, I would -- I would say it's possible,
19 but in -- I don't recall specific dates on this, but
20 I don't believe we sold wholesalers and distributors
21 controlled substances past a certain point.

22 Q. Yeah. We'll get to that.

23 A. Okay.

24 Q. And wholesale -- or wholesale repackagers
25 past a certain point?

1 A. Right.

2 Q. But at this point in time you did.

3 MS. KOSKI: Object to form.

4 A. I don't -- I don't know that factually.

5 Q. Okay. The cutoff was June 17th, 2010.

6 Does that ring a bell?

7 MS. KOSKI: Object to form.

8 A. It doesn't ring a bell, but if you're
9 telling me -- I know there was a date after which we
10 did not do that anymore.

11 Q. Right. There was a date after which you
12 didn't sell to wholesalers, wholesale repackagers,
13 repackagers --

14 A. Yeah. Anybody that was not in use, yeah.

15 Q. -- doctors, clinics.

16 Remember that cutoff, when that happened?

17 A. I don't remember that cutoff, no.

18 Q. Okay. We'll talk about that in a minute.

19 So that was -- subject to connection, you
20 will see that was on June 17th, 2010.

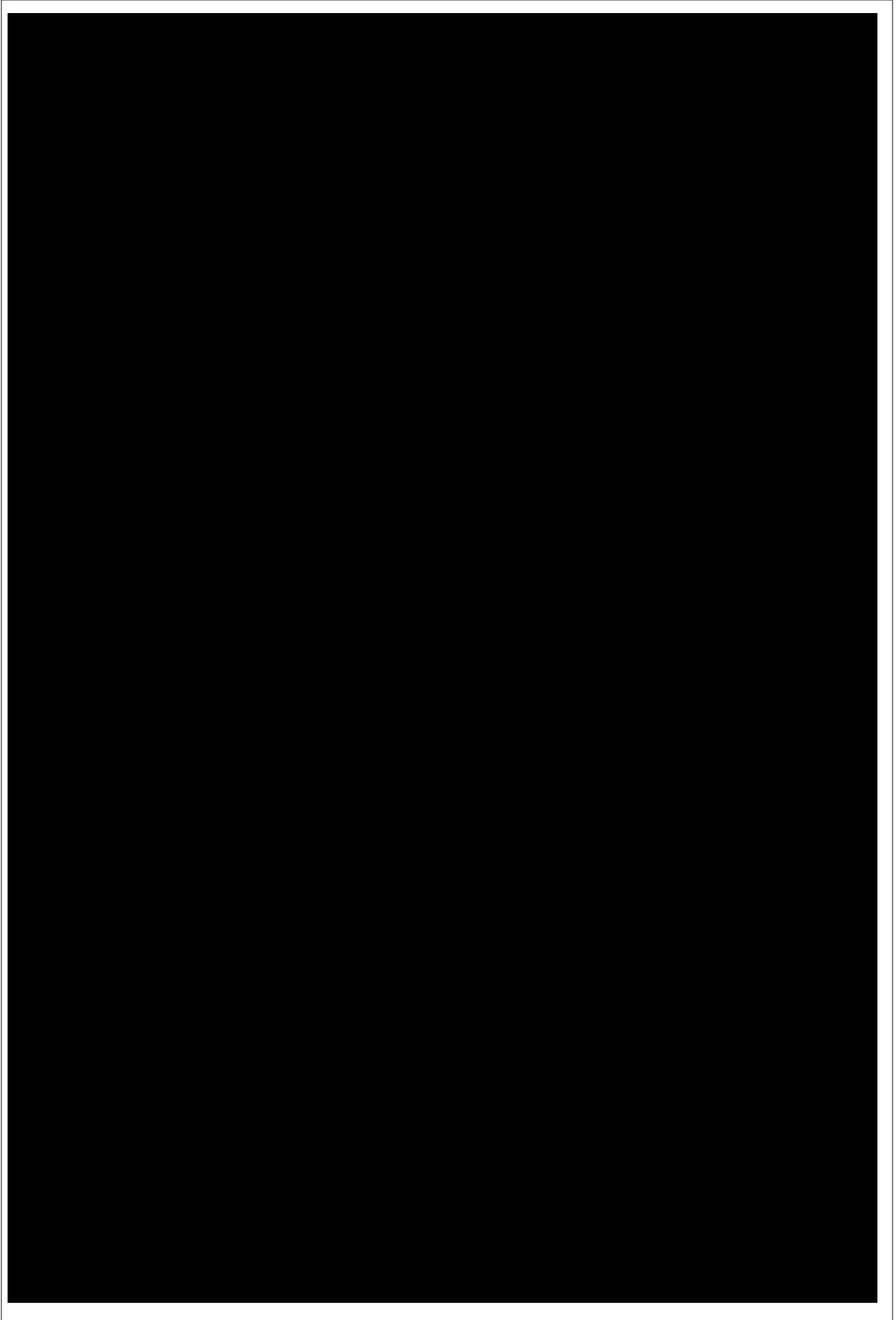
21 A. Okay.

22 Q. Can you accept that for a second?

23 A. Yes.

24 MS. KOSKI: Object to form.

25 BY MR. PENNOCK:



1 MR. PENNOCK: I have to remember not to
2 break for lunch next time.

3 MS. KOSKI: I was going to give you a hot
4 turkey dinner in the hopes that you'd just fall
5 asleep.

6 (Anda-Versosky Exhibit 16 was marked for
7 identification.)

8 BY MR. PENNOCK:

9 Q. Sir, I've shown you what's been marked as
10 Exhibit 16 to your deposition. This is a printout
11 off the internet I'll represent to you that I
12 printed out. It's from an article from
13 September 18th, 2013, about four years after the
14 exchange we were just looking at, three-and-a-half
15 years, whatever.

16 Okay. Do you see Exhibit 16?

17 A. Yes.

18 Q. Does that at all refresh your recollection
19 as to learning that Shamrock was ultimately shut
20 down by the FDA?

21 A. No.

22 Q. If a company was shut down by a governmental
23 agency, one that you had been selling to, is there
24 any procedure for alerting you to that?

25 A. No. The -- so the individual rep would have

1 been notified, but, you know, me, at multiple levels
2 above that, I would not have seen that.

3 Q. Wouldn't that have been important for you to
4 know, to see if companies were being shut down that
5 you had been selling to and then trying to find out
6 why?

7 A. Potentially, if it was a large customer or
8 there was some, you know, specific issue that I was
9 involved with that customer. And in this case, I
10 think we -- we sold to several hundred small
11 wholesalers and distributors. I don't know that I
12 would have seen this.

13 Q. Well, this -- this company, according to
14 this article, was shut down because it was
15 packaging -- it was packaging opioids without proper
16 labeling.

17 MS. KOSKI: Object to form.

18 BY MR. PENNOCK:

19 Q. Right?

20 A. Yeah, I think that's what the article says,
21 yes.

22 Q. And just coming back to did you ever ask
23 anyone to put a procedure in place to let leadership
24 in sales, namely you, know when a -- when a customer
25 had been shut down by the DEA or FDA for some -- --

1 A. No.

2 Q. -- for some irregularity?

3 A. No.

4 Q. In -- we -- I mentioned earlier this
5 shutdown of June 17th, 2010, and I'm going to show
6 you some documents that will perhaps refresh your
7 recollection on that.

8 (Anda-Versosky Exhibit 17 was marked for
9 identification.)

10 BY MR. PENNOCK:

11 Q. May I proceed, Mr. Versosky?

12 A. Yes, please.

13 Q. So Exhibit 17, this is an e-mail thread and
14 it -- the first e-mail is on June 18th, 2010.

15 A. Uh-huh.

16 Q. And it's from Anita Isabella -- or is that
17 Isabella Anita?

18 A. Anita Isabella.

19 Q. And it's to the president of the company,
20 Albert Paonessa, right?

21 A. Yes.

22 Q. Brian Witte. We heard about him earlier?

23 A. Yes.

24 Q. Marc Falkin?

25 A. Yes.

1 Q. And yourself?

2 A. Yes.

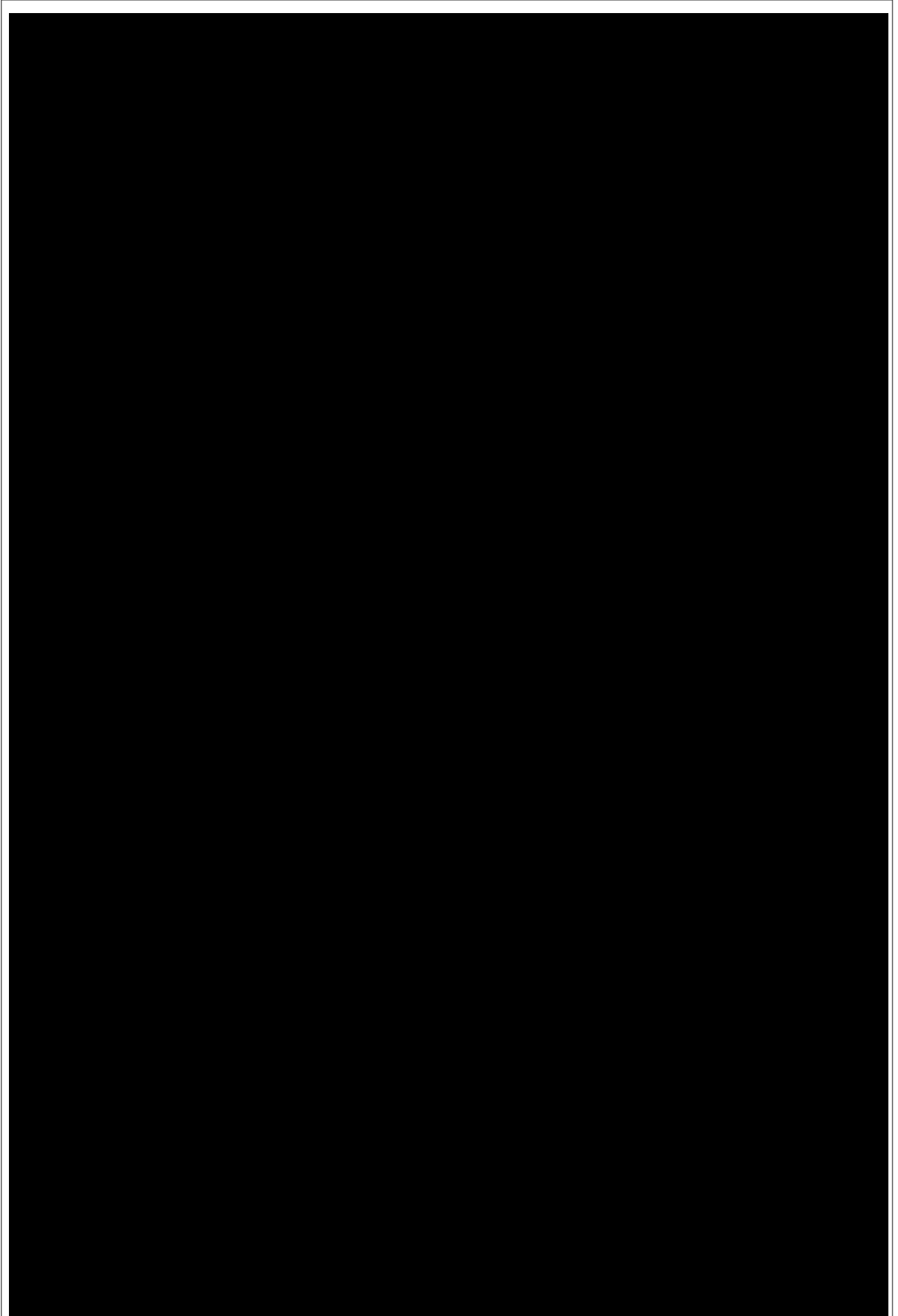
3 Q. And Kim Bloom?

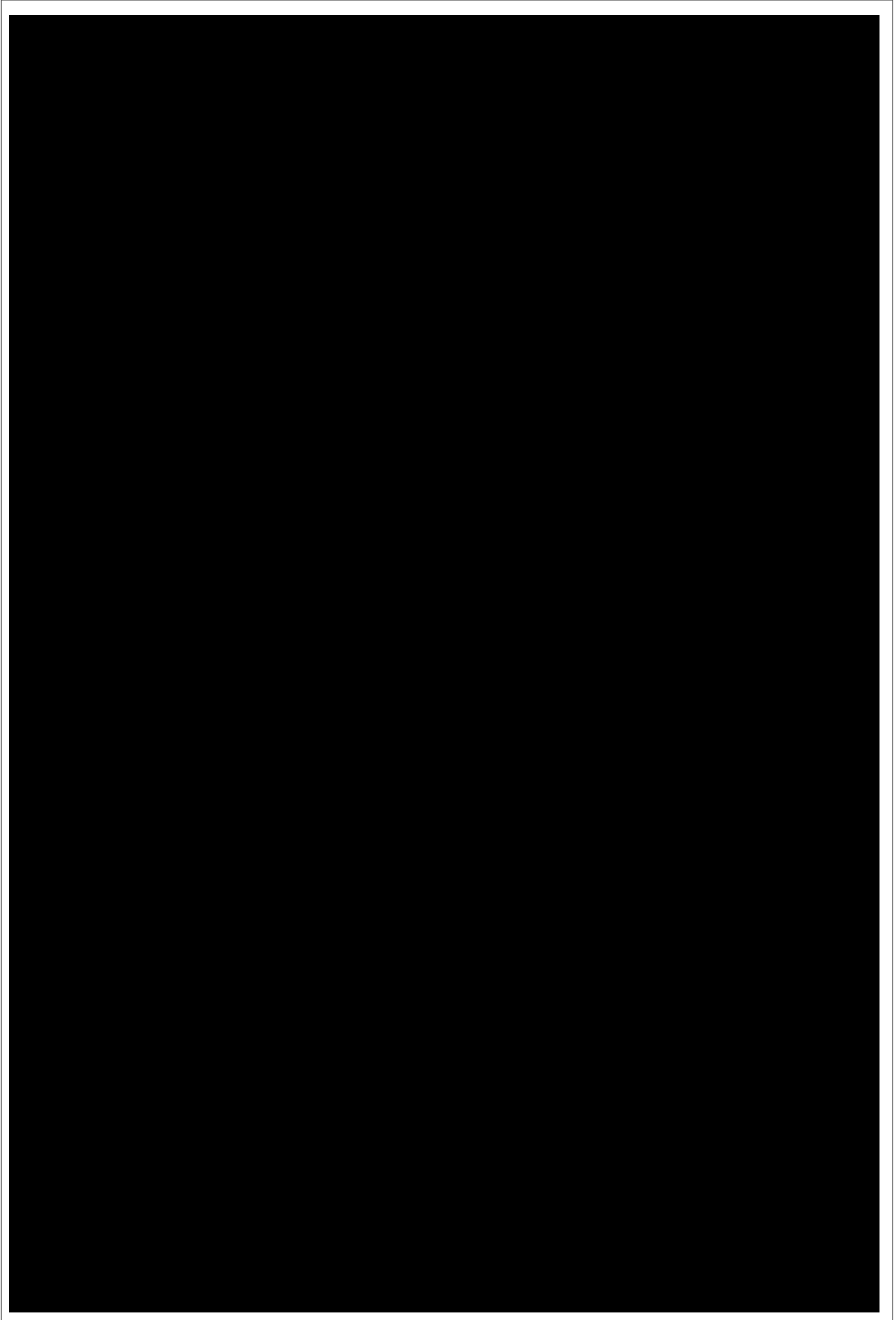
4 A. Yes.

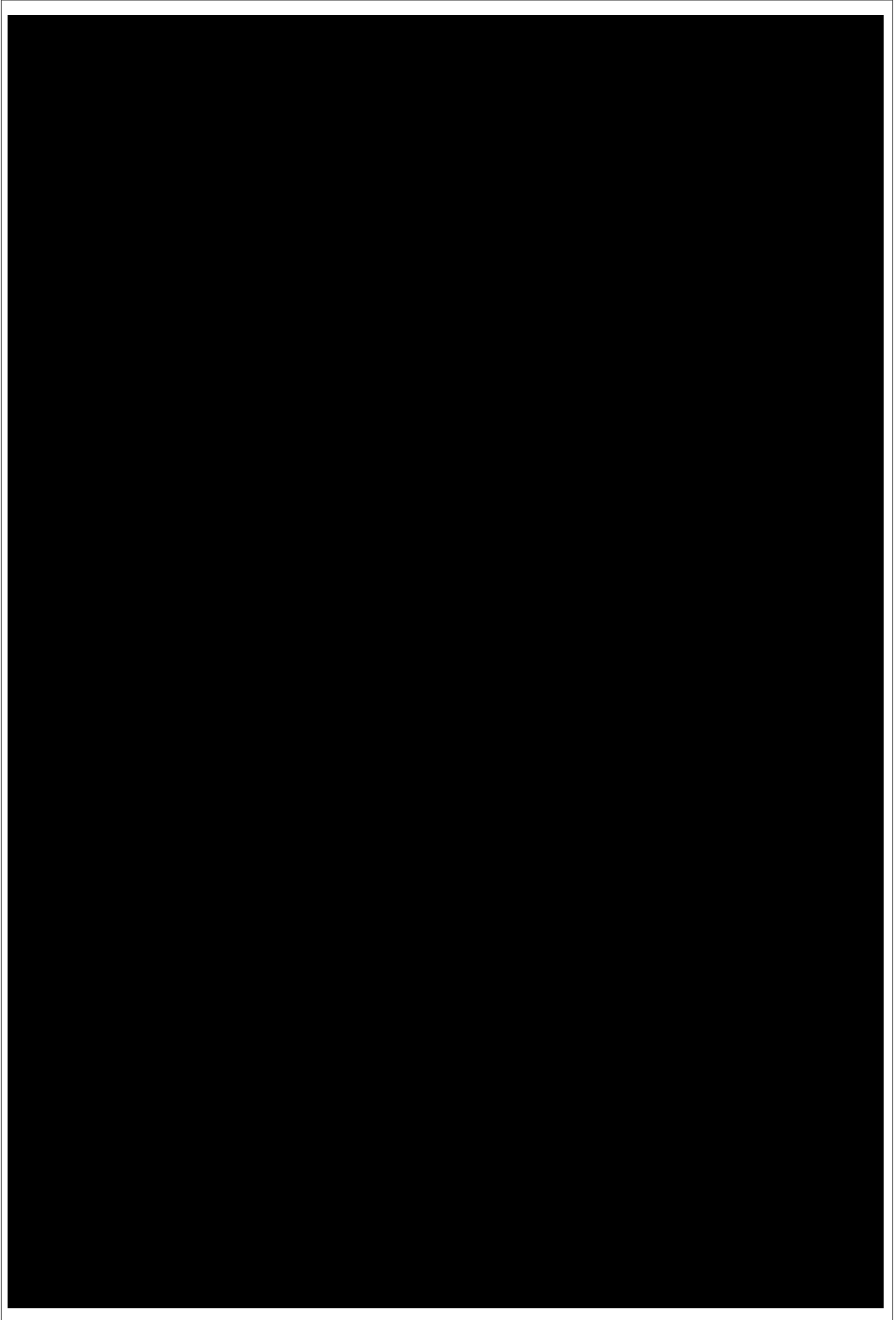
5 Q. And a host of others, including Michael

6 Cochrane, right?

7 A. Yes.







14 Q. Well, you -- you were a member of the
15 leadership team for the entire company?

16 A. I am saying I am aware -- I was aware, yes.

17 Q. Your title was vice president for sales --

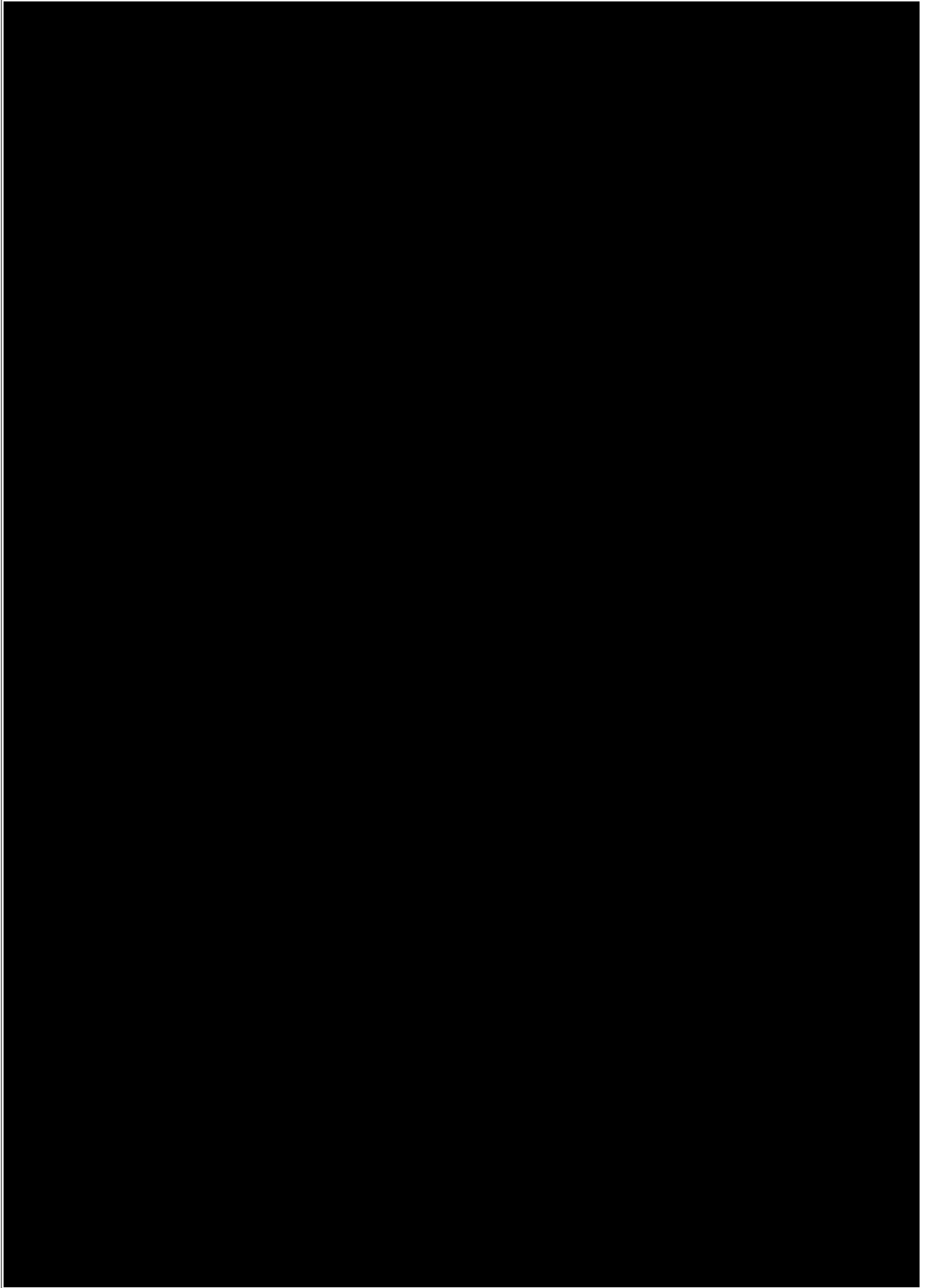
18 A. That's why I continue to clarify that it was
19 a title, right, but I had a vertical in sales.
20 There was another vertical in sales.

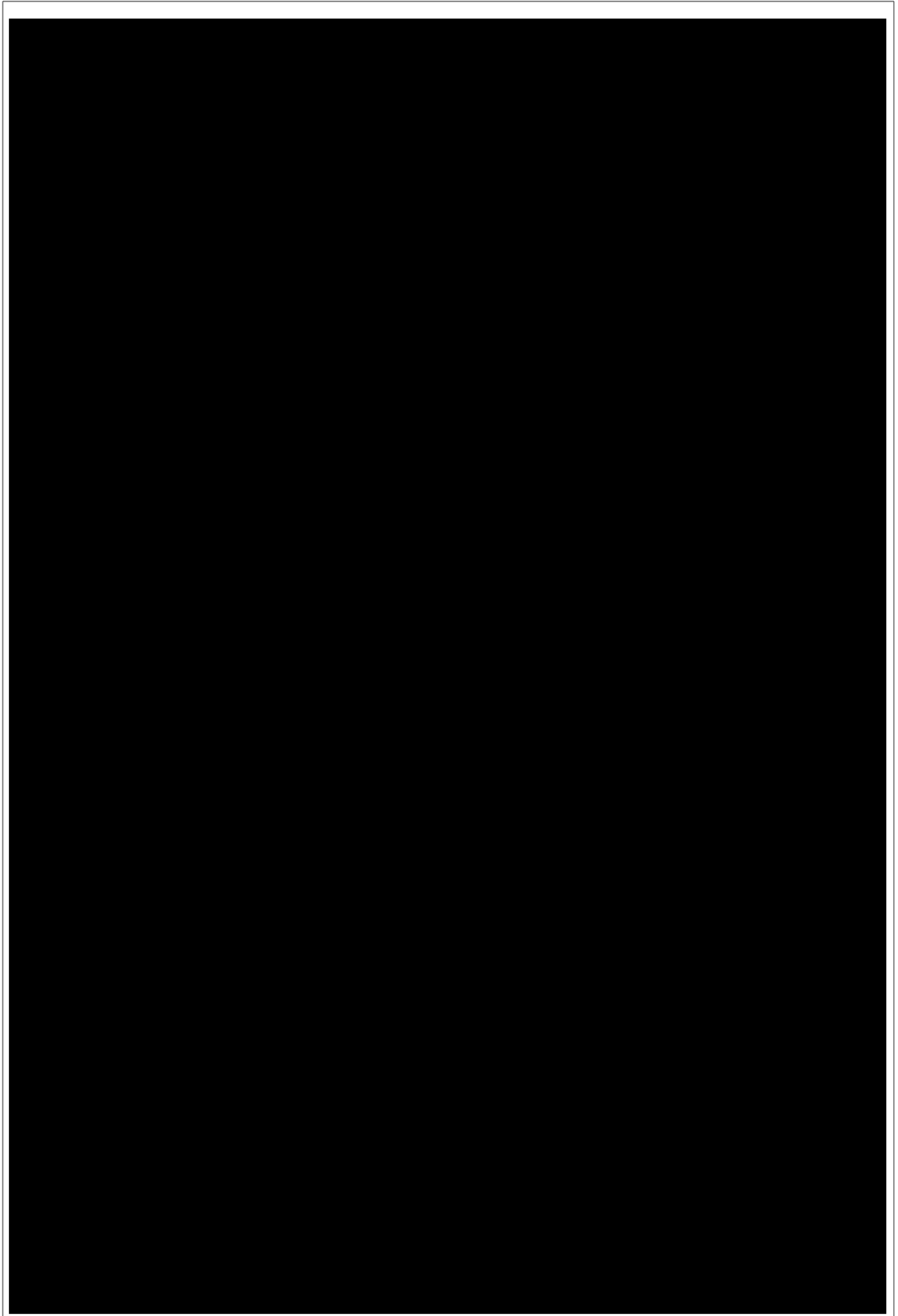
21 Frankly, there were three verticals because
22 physicians were in a completely different group
23 but --

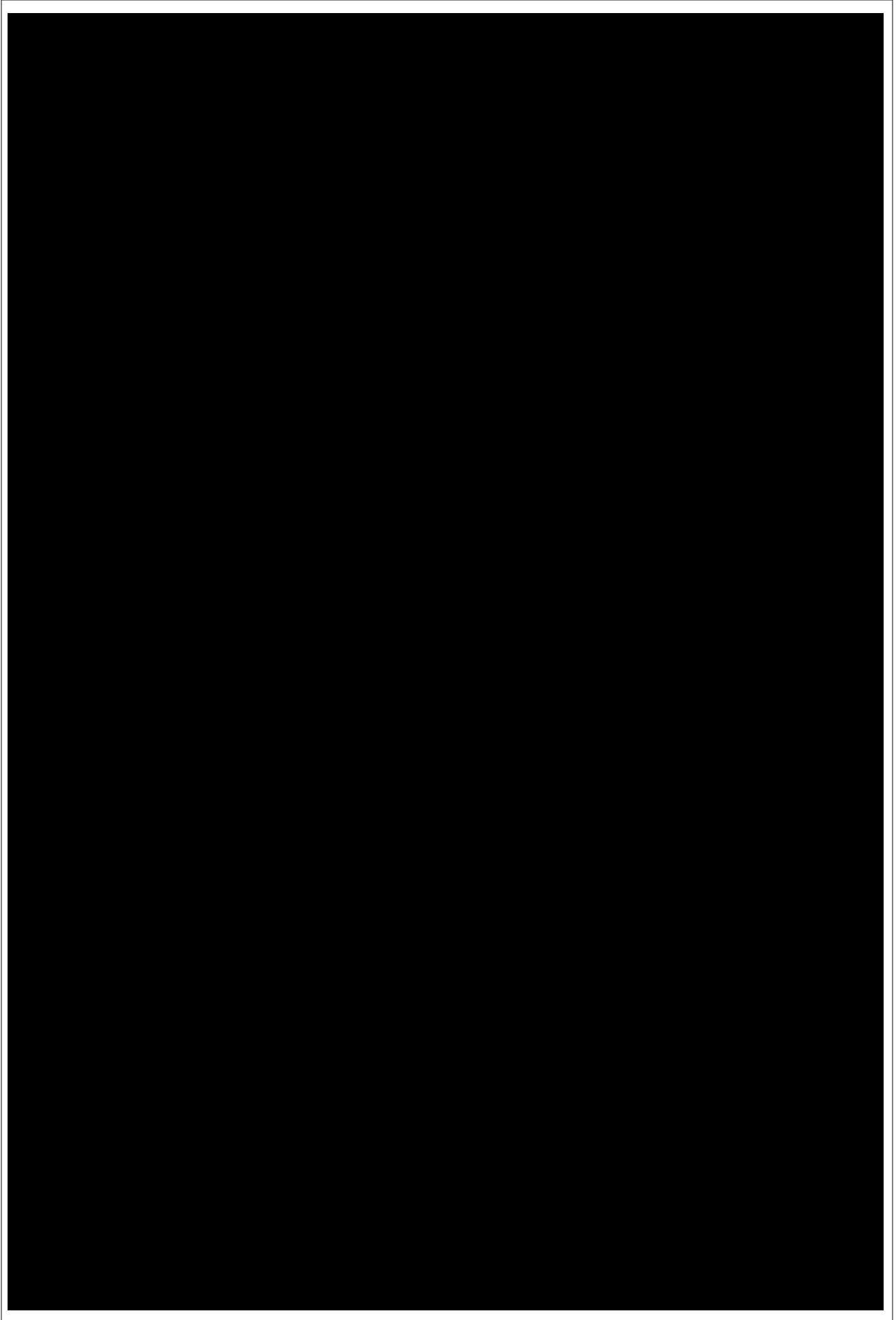
24 Q. So -- okay.

25 Nevertheless --

1 A. Yes.







8 Q. Okay. Well, subsequent to this, there was
9 the development of something you made mention of
10 earlier, a questionnaire.

11 A. Uh-huh.

12 Q. Right?

13 A. Yes.

14 Q. Yeah. You mentioned it in passing earlier,
15 one of your answers.

16 MS. KOSKI: Object to form.

17 Q. And the -- what you were alluding to, the
18 questionnaire is a document that Anda started to
19 require each of their controlled substance customers
20 to fill out, right?

21 A. Yes.

22 Q. And that was also something that resulted
23 from dealings with the DEA, right?

24 MS. KOSKI: Object to form.

25 A. Yes, I believe so.

1 MR. PENNOCK: I think I only have -- did you
2 have other copies of this? I only have one extra
3 copy of this. Know your controlled substances.

4 Oh, no, they are all clipped together. Okay.

5 (Discussion off the record.)

6 (Anda-Versosky Exhibit 18 was marked for
7 identification.)

8 (Anda-Versosky Exhibit 19 was marked for
9 identification.)

10 BY MR. PENNOCK:

11 Q. So, Mr. Versosky, Exhibit Number 18 to your
12 deposition is a document bearing Bates number
13 000077289. Have you had a chance to look at that?

14 A. Yes.

15 Q. And it's an e-mail from someone by the name
16 of Megan Talber.

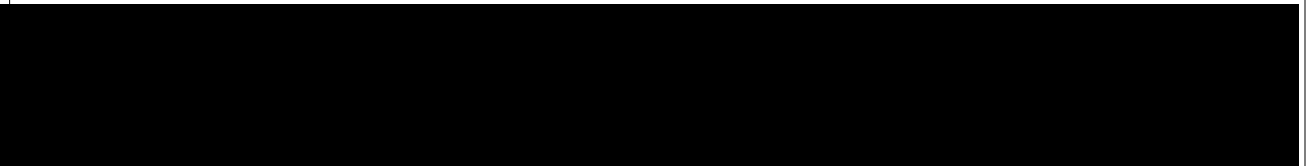
17 A. Yes.

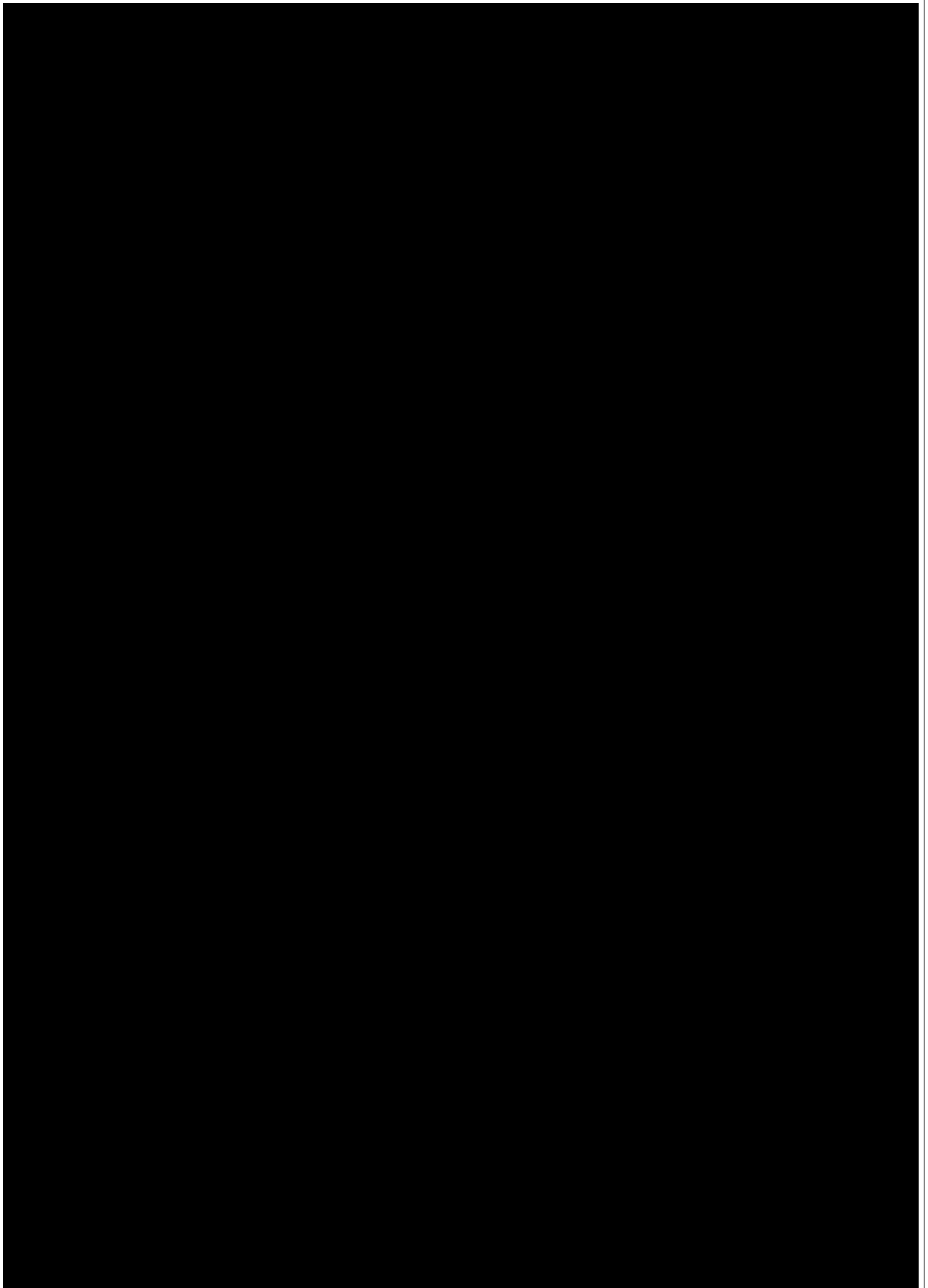
18 Q. It went to the president of the company,
19 right?

20 A. Yes.

21 Q. A number of others and it was cc'd to you
22 and some, Christine Leon-Laurent, right?

23 A. Yes.





25 Q. Did you have any involvement in the training

1 for your team?

2 A. I don't believe so, but -- I don't remember
3 training my team on this.

4 Q. Did you get trained?

5 A. I would have read the document, I'm sure,
6 but --

7 Q. You would have read the document but you
8 don't have any recollection of actually receiving
9 training about the document?

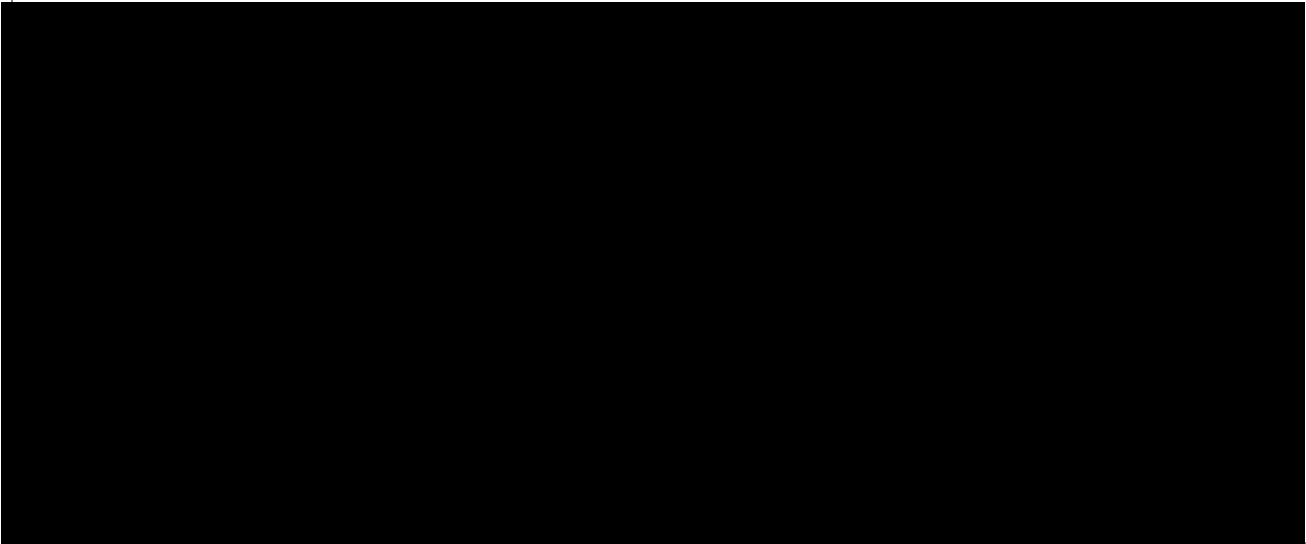
10 A. It don't -- I don't remember that, no.

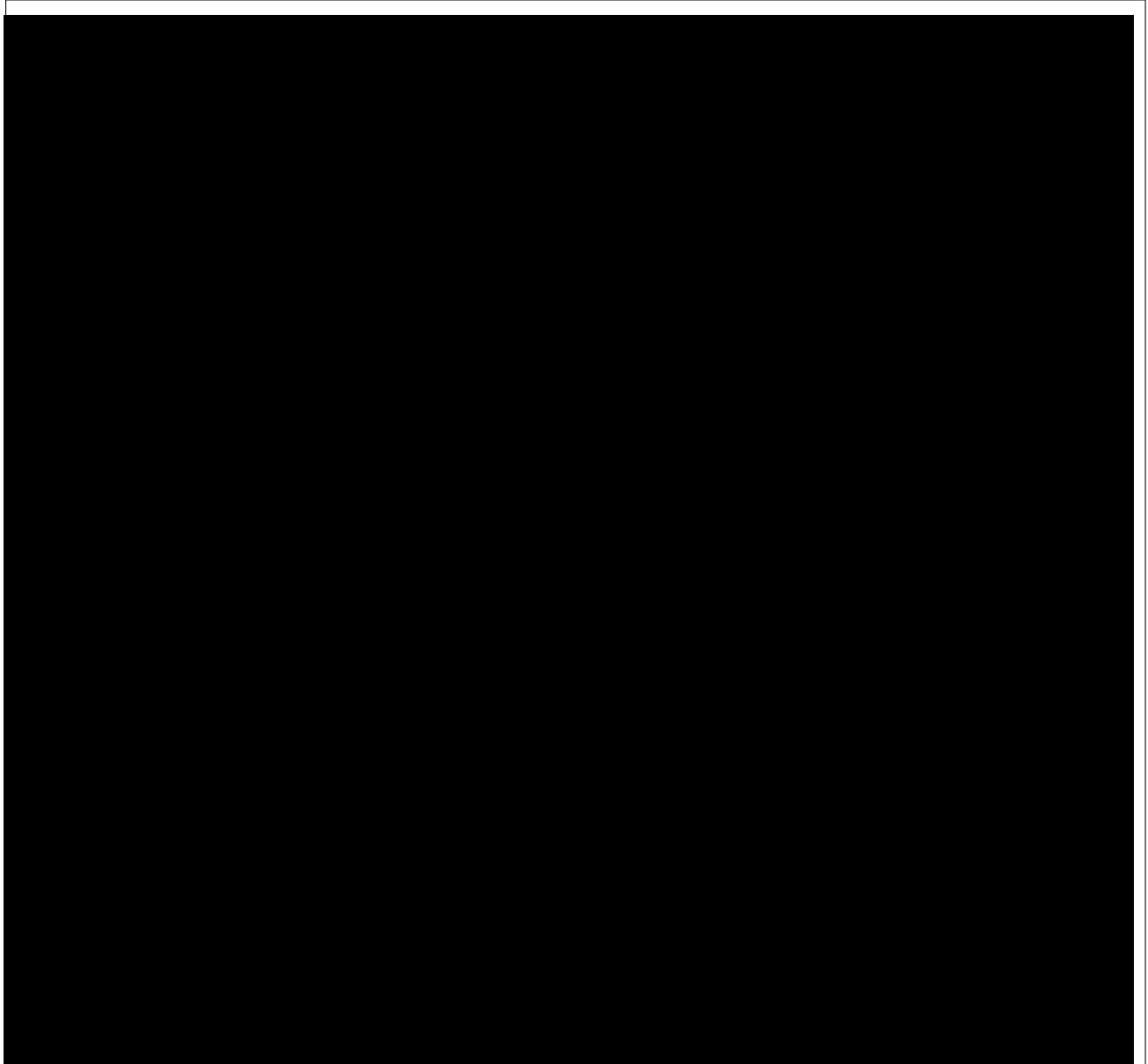
11 Q. So the document is Exhibit 19.

12 MS. KOSKI: Yes, go ahead.

13 Q. And the document is Bates number 0000077290.
14 It is produced in native format and therefore has a
15 cover sheet. Controlled substances: Know your
16 customer.

17 A. I believe I may have -- I believe I sat
18 through this training.





17 Q. Okay. So we talked earlier, and you had
18 pointed out that in your view, compliance was
19 dealing with the customer issues and identifying
20 them as it may concern controlled substances and
21 sales did not do that. Do you remember that
22 discussion on and off?

23 A. Yeah, correct. It's again, sales was
24 collecting information and --

25 Q. Right?

1 A. Sales was where there were questionnaires,
2 they were getting the questionnaires and passing
3 those to compliance.

4 Q. But now we're taking it to another level for
5 sales, right?

6 A. Yes.

7 Q. And the questionnaire was something that --
8 it was a questionnaire that the question had to fill
9 out for each of its stores, if it had more than one
10 store, right?

11 A. Yes.

12 Q. And the point of filling out the
13 questionnaire -- withdrawn.

14 The questionnaire or the -- was a form that
15 was being used in order to try and get in one place,
16 in a uniform way, information about the store and
17 its dispensing history, is that reasonably fair?

18 A. Yeah. I think it was a -- there was already
19 a quantitative look. This was more of getting some
20 qualitative information.

21 Q. And by that you mean just -- more getting
22 some information that related to a particular store,
23 not just its numbers, but --

24 A. Yes.

25 Q. -- answers to specific questions about how

1 they were operating?

2 A. Yes.

3 Q. And where they were operating, right?

4 A. Yes.

5 Q. And it comes back, these things come back to

6 having a better understanding of who the customer is

7 so that you can have a better understanding as to

8 whether or not they should be selling as much

9 controlled substances as they are asking for?

10 A. Yes.

11 Q. And in the presentation, if you turn -- I'm

12 sorry these aren't paginated, but you can look on

13 the screen. There is a -- the know your customer

14 initiative --

15 MS. KOSKI: On the bottom right there is

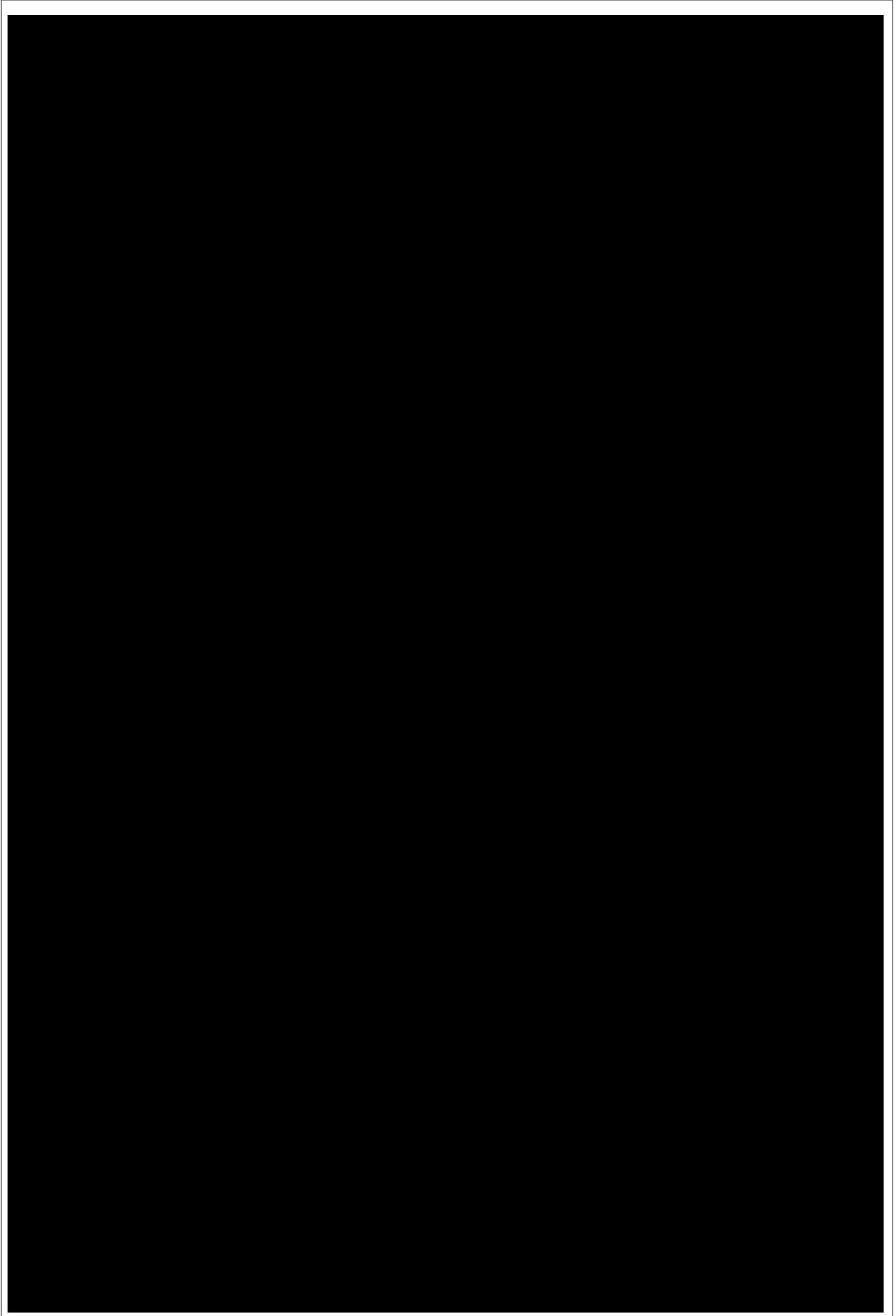
16 slide numbers, they are hard to see but you can

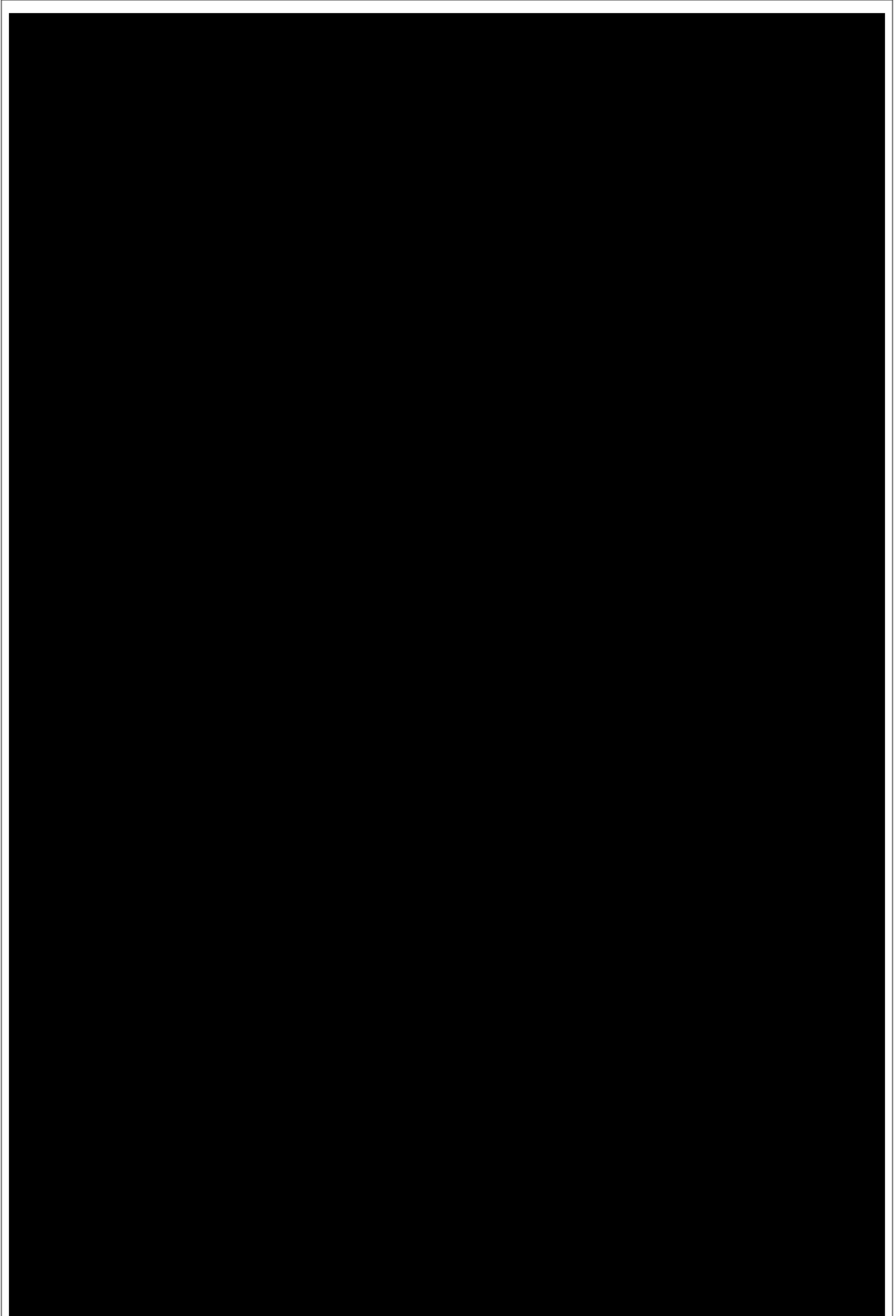
17 see them on the bottom right hand.

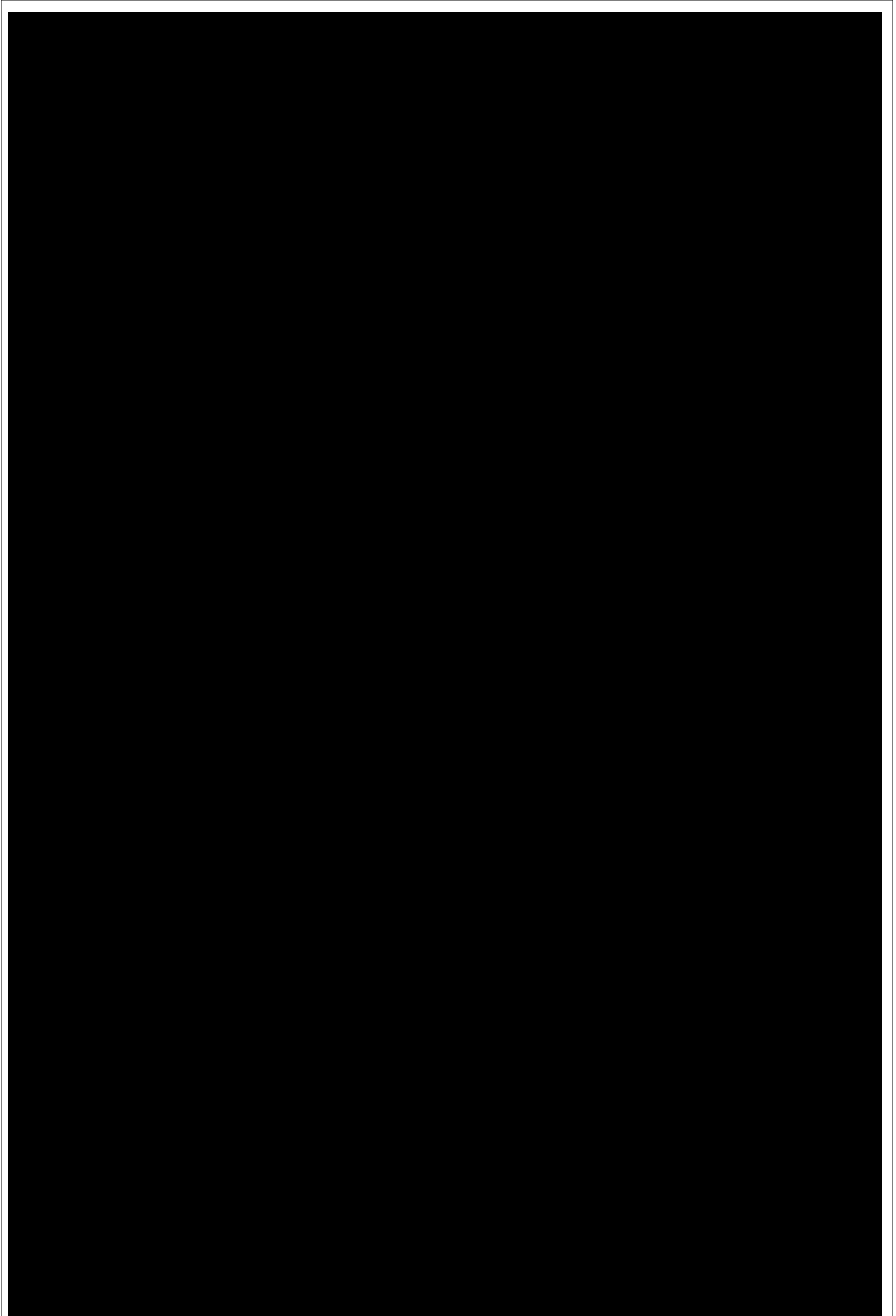
18 A. They are in the dark.

19 MS. KOSKI: It's hard to see because it's

20 not in color.







12 Q. So -- I'll just find something here.

13 (Anda-Versosky Exhibit 20 was marked for
14 identification.)

15 BY MR. PENNOCK:

16 Q. Sir, we've marked as Exhibit 20 to your
17 deposition, an e-mail thread bearing Bates number
18 0000105969 through 970. Could you take a look at
19 that, please.

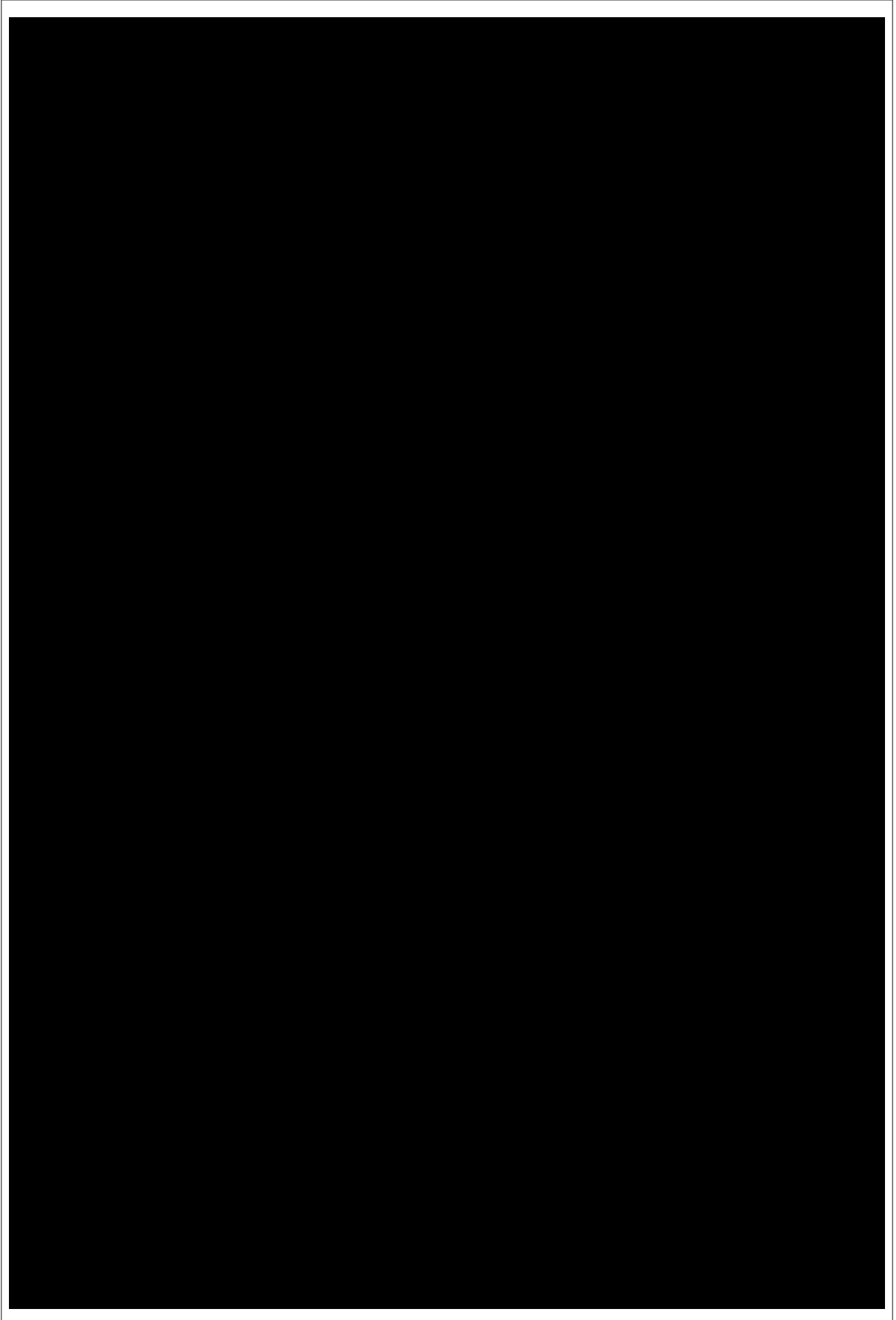
20 So, sir --

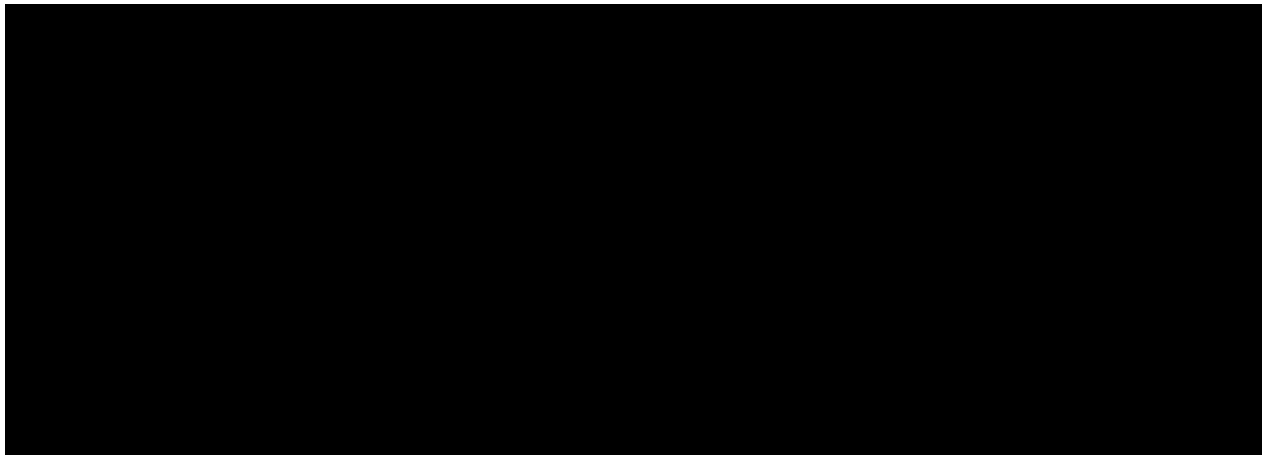
21 A. I'm sorry.

22 Q. Oh, you're not done yet? I apologize?

23 A. Yeah, just one second. I'm sorry.

24 Okay.





7 Who is NACDS?

8 A. They are an industry association, so it's
9 the chain drug stores, National Association of Chain
10 Drug Stores.

11 Q. Did you work with them?

12 A. We attended their shows, we were a member of
13 their --

14 Q. You were a member of them?

15 A. Yeah.

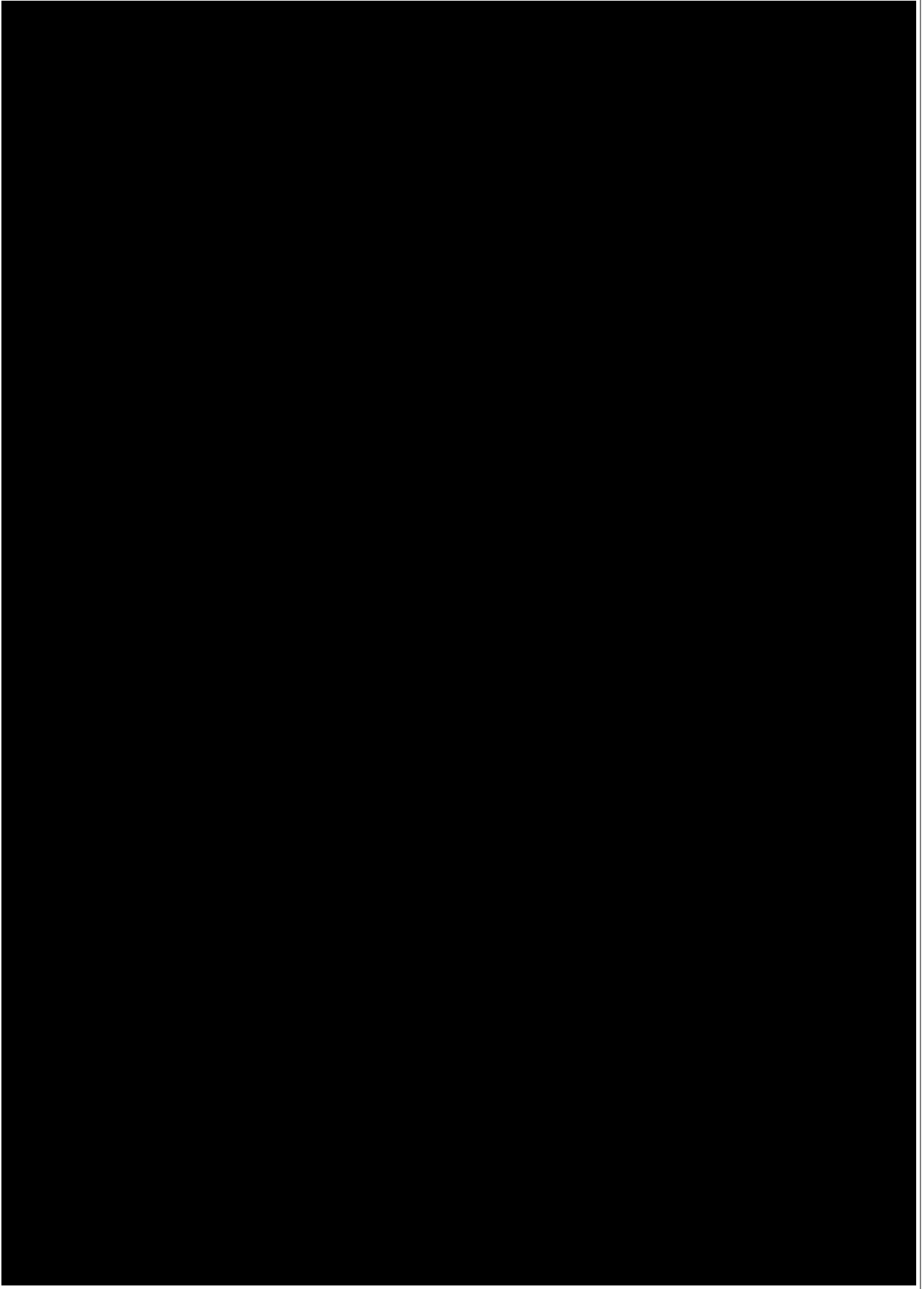
16 Q. So you kind of worked with them in terms
17 of -- well, you're getting, potentially getting
18 forms from them or stuff like that?

19 A. No. No.

20 Q. What are you getting from them?

21 A. As far as getting anything from them, I
22 think -- I don't know that we got anything from
23 them. We -- it's -- again, it's the chain store
24 group, people like Anda are a part of that because
25 their trade show is where you go to meet with large

1 numbers of chain customers.

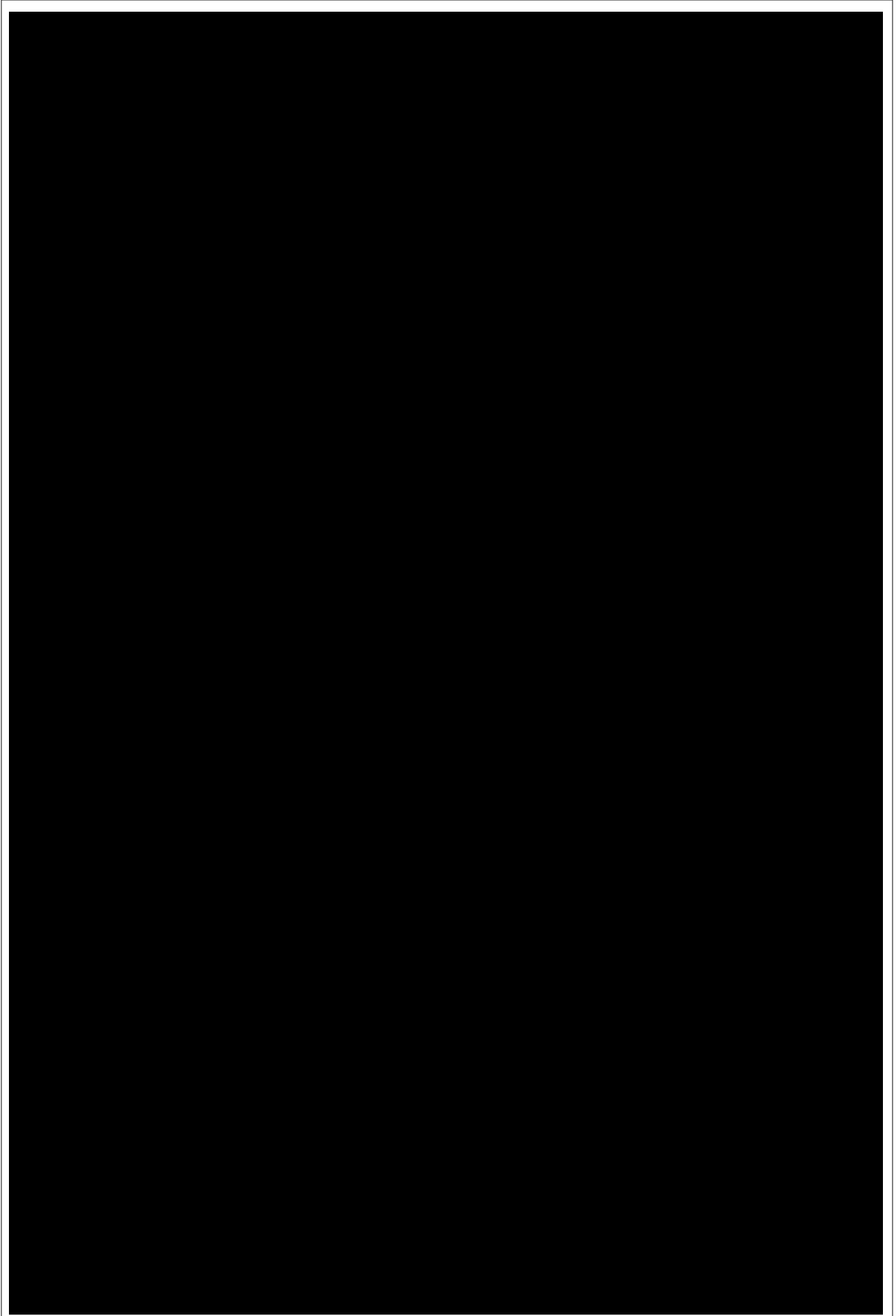


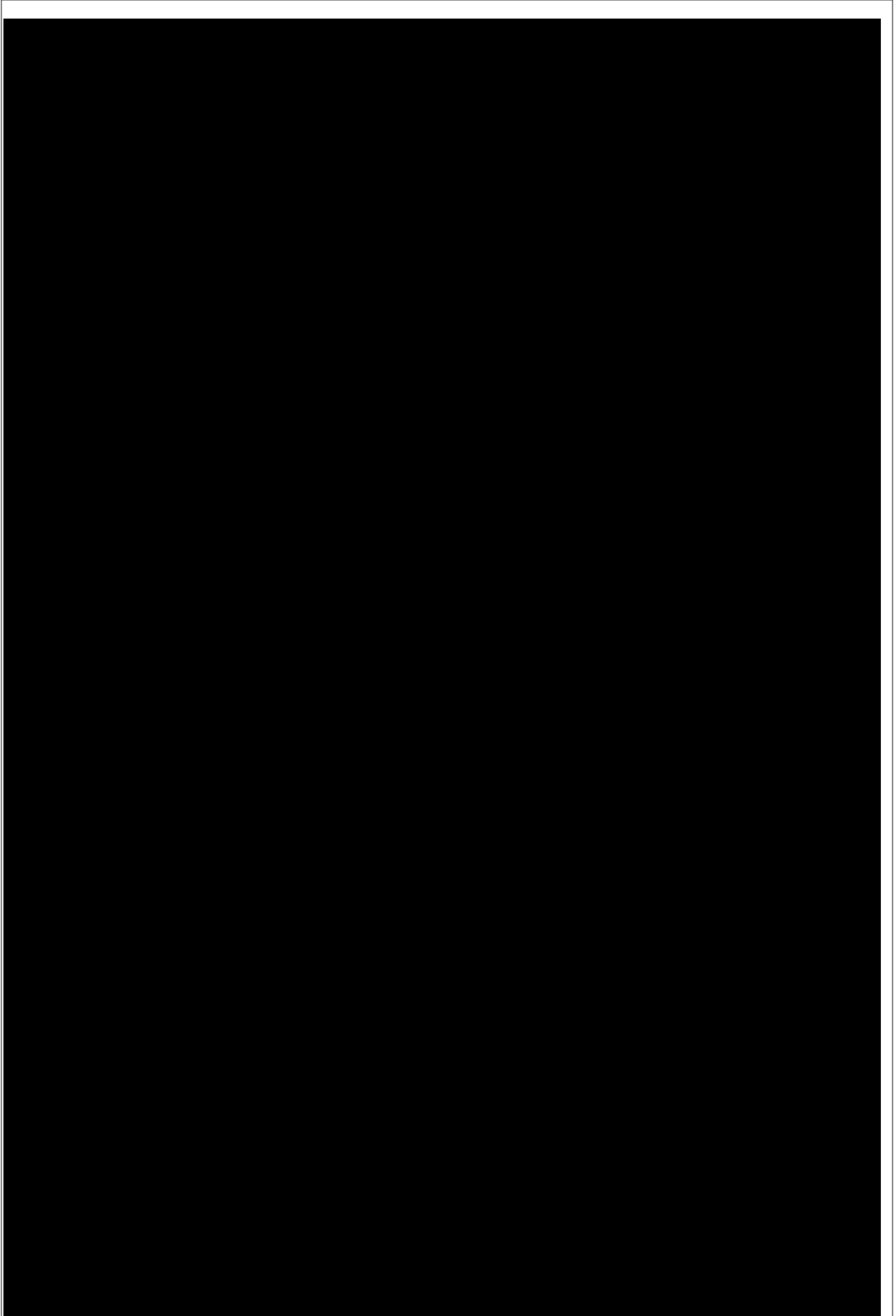
11 Q. All right. And the whole points of getting
12 the questionnaire was to understand or get some
13 understanding -- what was the word you used? I lost
14 it now.

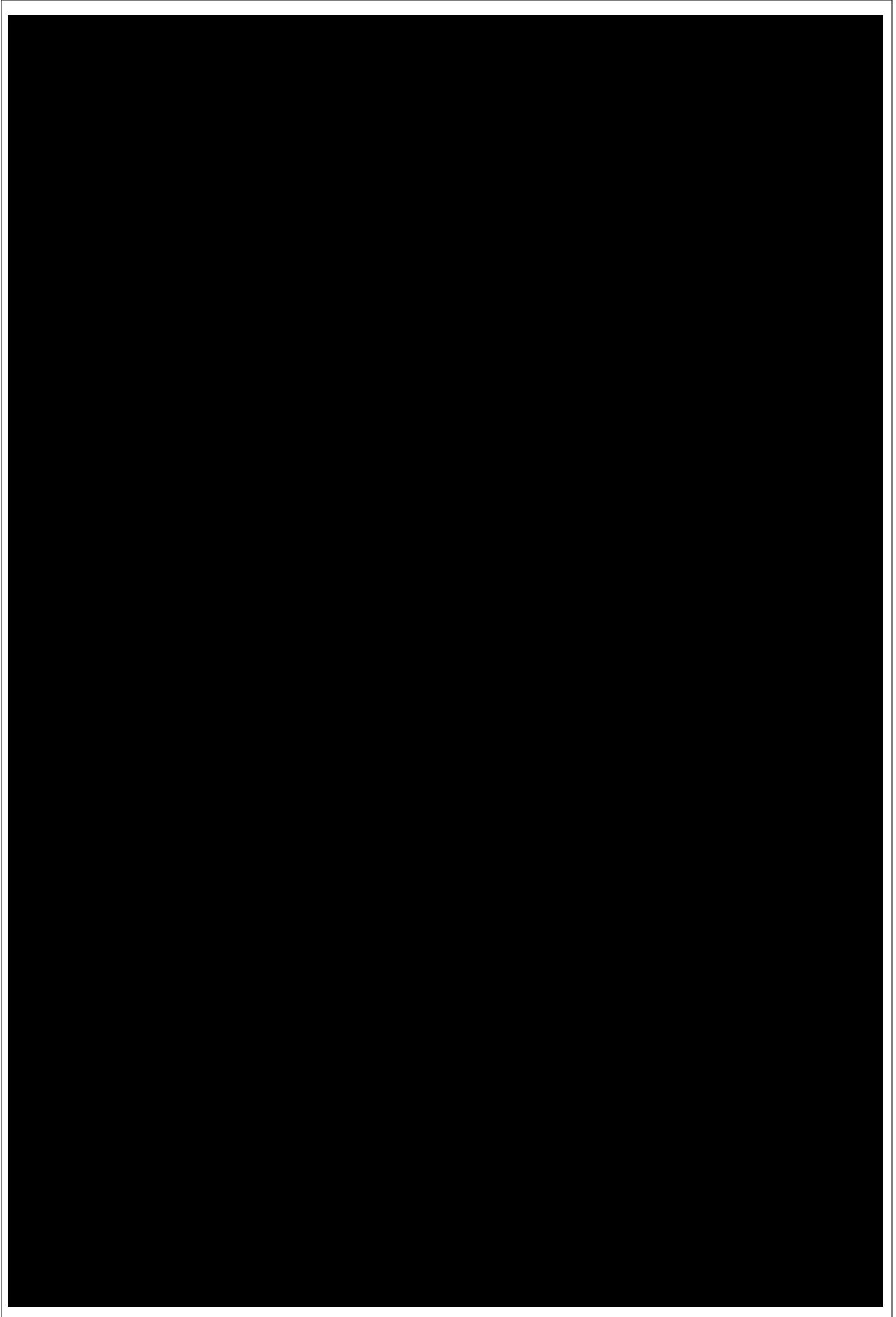
15 You wanted to get some understanding of each
16 store, right?

17 A. Yes.

18 MS. KOSKI: Object to form.







3 Q. Well, the process -- the point of the
4 process work -- withdrawn.

5 The way the process was supposed to work was
6 to give you information on each individual store
7 that you might be selling controlled substances to,
8 including opioids, so that you could make a fuller
9 and better assessment, by you I mean the company.

10 A. Sure.

11 Q. To continue to sell to them or somehow limit
12 them, that's -- that's how the process was supposed
13 to work, right?

14 A. Sure, and I think it's reasonable for me to
15 ask a question here, to say, is there another way we
16 can do this because the current process doesn't work
17 for large customers.

18 Q. It didn't work for the customer because they
19 were frustrated, extremely frustrated, it didn't
20 work for the customer because they were extremely
21 frustrated?

22 A. Sure.

23 Q. There is nothing in here that's saying the
24 process isn't giving us information that's useful
25 from each store?

1 A. I agree that doesn't say that, yeah.

2 Q. Okay. And in fact, even though you said a
3 little while ago that these corporate chains had the
4 same standard operating procedure across all the
5 stores, one of their frustrations is that the
6 questionnaire was so store specific that they
7 couldn't fill it out for all the stores at once,
8 they had to fill it out for each individual store,
9 that's one of their main frustrations, that's what
10 it says, right?

11 A. True, and that was an operational
12 frustration, so we would have been talking to the
13 corporate office. Someone in the corporate was then
14 having frustration of having to disseminate that
15 packet out to an individual store level. If it's
16 somebody that has 500 stores, they are now having to
17 track, you know, 500 questionnaires.

18 Q. Well, that's terrible that they would have
19 this frustration. I mean, was there -- was anyone
20 considering, when dealing with this frustration that
21 they had, the devastation that was happening
22 throughout the country from opioids?

23 MS. KOSKI: Object to form.

24 Q. That's a real question. Do you -- I'll
25 rephrase it to correct the form objection.

1 I'm sorry to hear about the frustration from
2 these businesses for filling out these
3 questionnaires. Did anyone say to you, but let's
4 consider the devastation that's happening and
5 balance that against our frustration to decide
6 whether we want to jettison the questionnaire from
7 each store, was that ever discussed?

8 A. I don't recall that ever being asked of me.

9 Q. The -- okay.

10 Anyway, Patrick Cochrane, whoever he is,
11 he's with you. He's sure he can come up with
12 something. Right?

13 MS. KOSKI: Object to form.

[REDACTED]

5 Q. Well, it was feasible operationally to send
6 individual packets of opioids every month, if not
7 more frequently, to every single individual store,
8 wasn't it? Wasn't it? You were able -- you just
9 said, operationally it wasn't feasible to send a
10 questionnaire to every store?

11 A. You were comparing that to something else.

12 Q. I'm asking you. You said operationally it
13 wasn't feasible to send this questionnaire to every
14 single store, that's what you said?

15 A. Yeah, for the corporate chain buyers we were
16 working with.

17 Q. But it was operationally feasible for you to
18 send product to them, opioid product to the
19 individual stores?

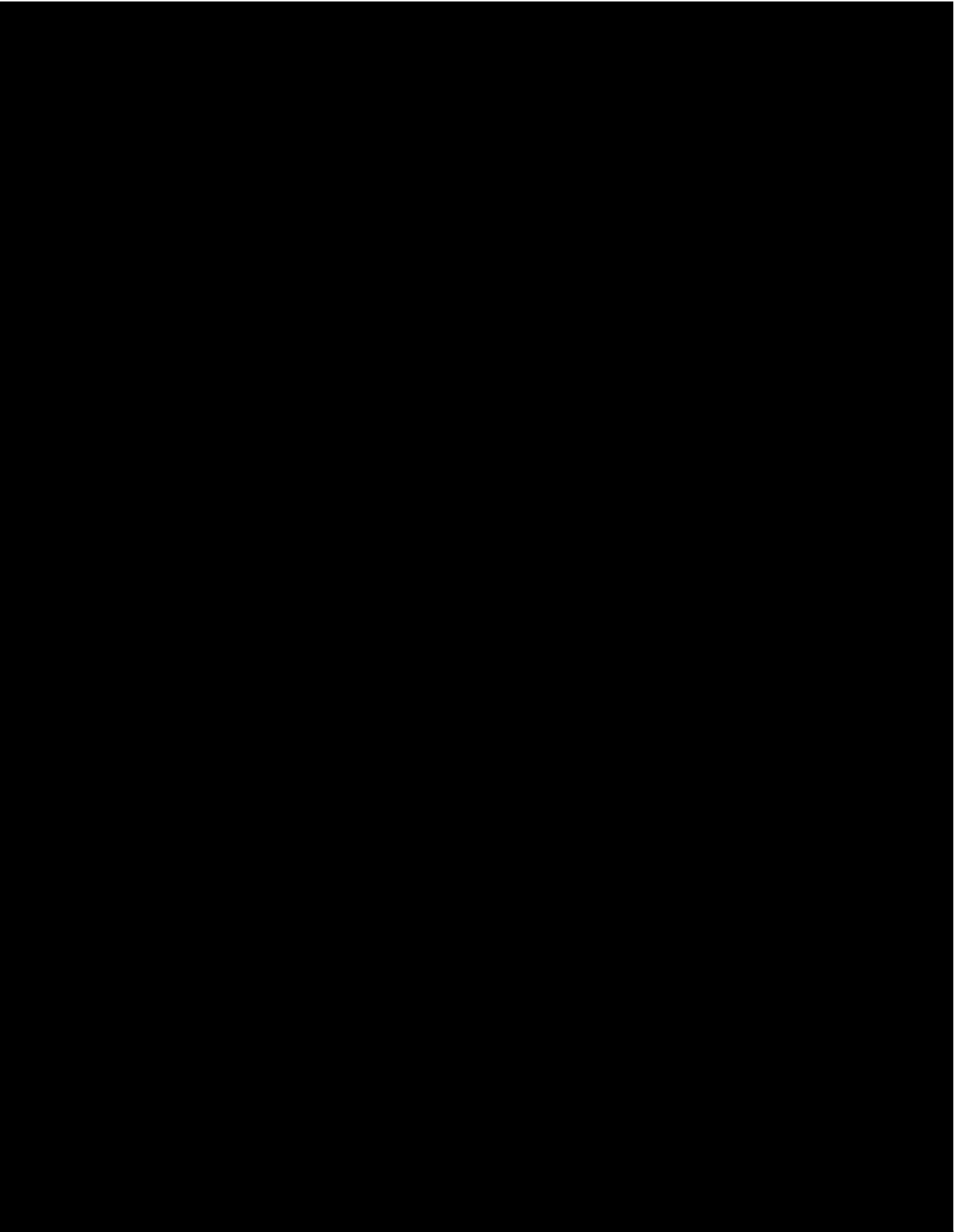
20 A. Yes.

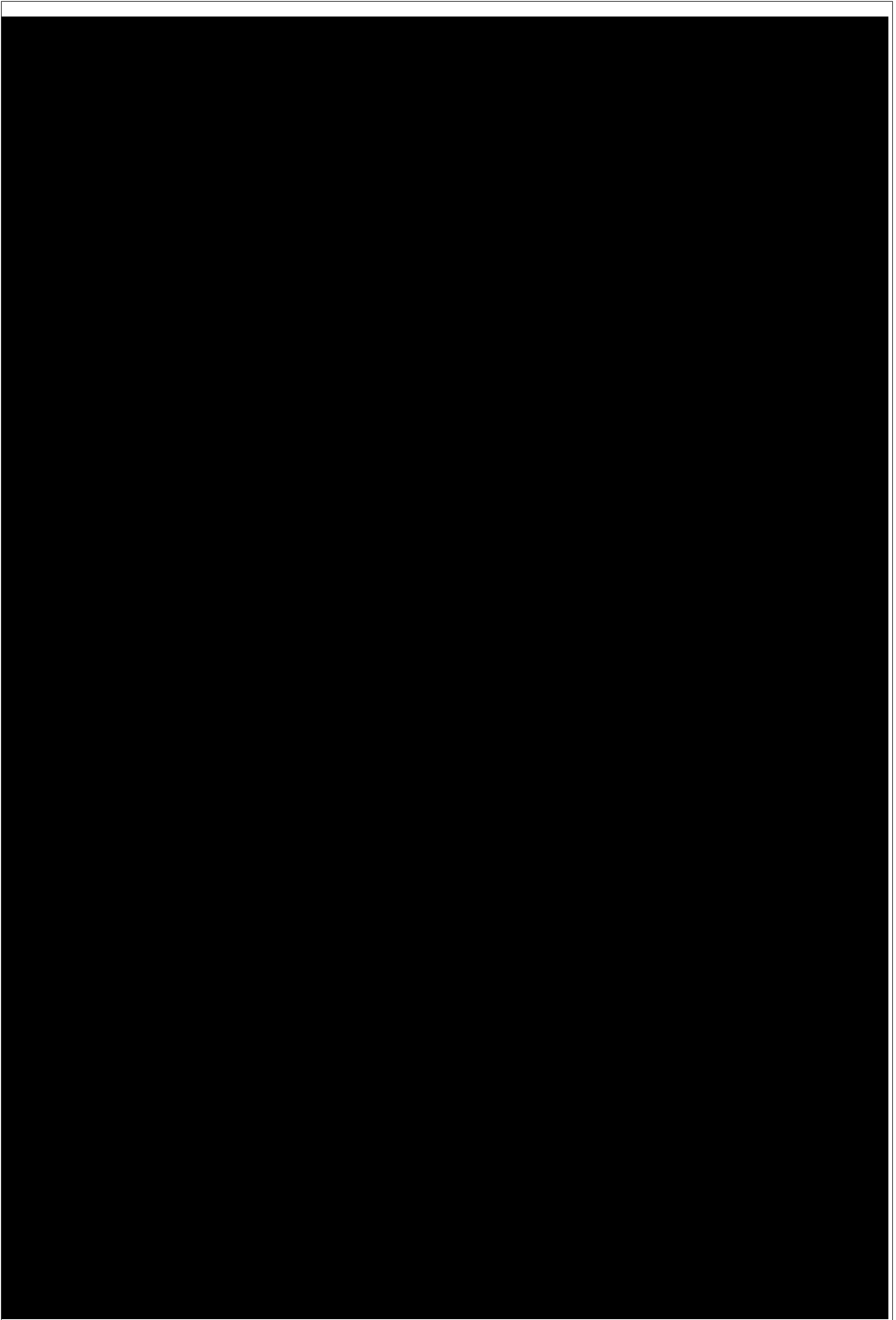
[REDACTED]

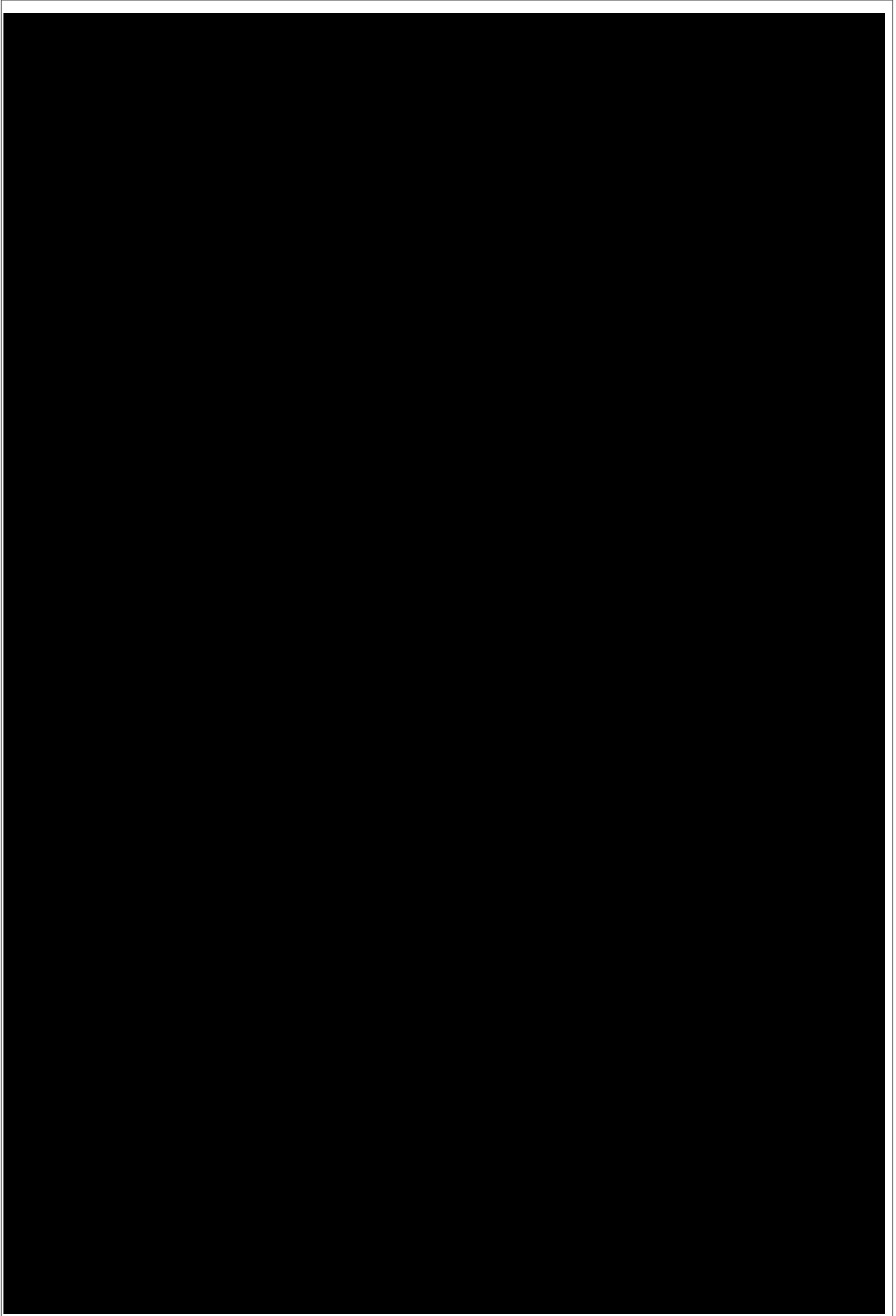
1 MS. KOSKI: What exhibit are you looking at?

2 MR. PENNOCK: I think it was Exhibit 9. I

3 got it.







2 MS. KOSKI: When you're at -- I'm sorry. I
3 didn't mean to interrupt you.

4 Q. There is just as much danger from one store
5 and a group of thousands in a chain than there is
6 from one independent pharmacy, isn't there?

7 A. Yeah, I agree with you. I don't know that I
8 would have -- I don't know that I would have been as
9 aware of that in 2011.

10 MR. PENNOCK: I'm sorry, counsel?

11 MS. KOSKI: I was just going to suggest when
12 have you a good stopping point to take a break.

13 MR. PENNOCK: This is a good stopping point.

14 THE VIDEOGRAPHER: Off the record, 2:43 p.m.

15 (Recess from 2:43 until 3:00 p.m.)

16 THE VIDEOGRAPHER: On the record, 3:00 p.m.

17 BY MR. PENNOCK:

18 Q. Mr. Versosky, do you remember developing a
19 process to flag stores in chains for potentially
20 exceeding what would be expected of them for
21 controlled substances sales, including opioids?

22 MS. KOSKI: Object to form.

23 A. Yes.

24 Q. You do remember that?

25 A. Yes.

1 Q. That's something that you -- you actually
2 had a hand in developing, right?

3 A. Yes.

4 Q. And you developed this system, I think
5 around the time you had -- you had Walgreens come to
6 you to seek getting opioids from you, right?

7 A. Yeah, they were seeking to get controls from
8 us, yes.

9 Q. And they were seeking to get controls from
10 you because they had had an entire distribution
11 center in Jupiter, Florida, shut down, right?

12 A. I believe it --

13 MS. KOSKI: Object to form.

14 A. Yeah. I believe it was their -- I thought
15 it was their wholesaler had a distribution center
16 shut down.

17 Q. There was a distribution -- there was one or
18 two distribution centers shut down and they could no
19 longer get opioids from those places, right?

20 A. Correct.

21 Q. And so they could however -- the problem
22 apparently, was with the sent -- the distribution of
23 the drugs, but they were still allowed -- their
24 stores were still allowed to buy the drugs, they
25 just needed to find somewhere else to buy them,

1 right?

2 A. Correct.

3 Q. So at that time, you had a hand in
4 developing this system and I'd like to go over that
5 quickly. I think this is it here.

6 MR. PENNOCK: Ben, yeah, this is it.

7 (Anda-Versosky Exhibit 21 was marked for
8 identification.)

9 BY MR. PENNOCK:

10 Q. Mr. Versosky, you -- we've marked as
11 Exhibit 21 to your deposition an e-mail thread. It
12 begins with Bates number 0000725880 and the last
13 document is 883.

14 Okay? You've had a chance to look at that?

15 A. Yes.

16 Q. And this is an e-mail from you to the
17 president of the company, Albert Paonessa, right?

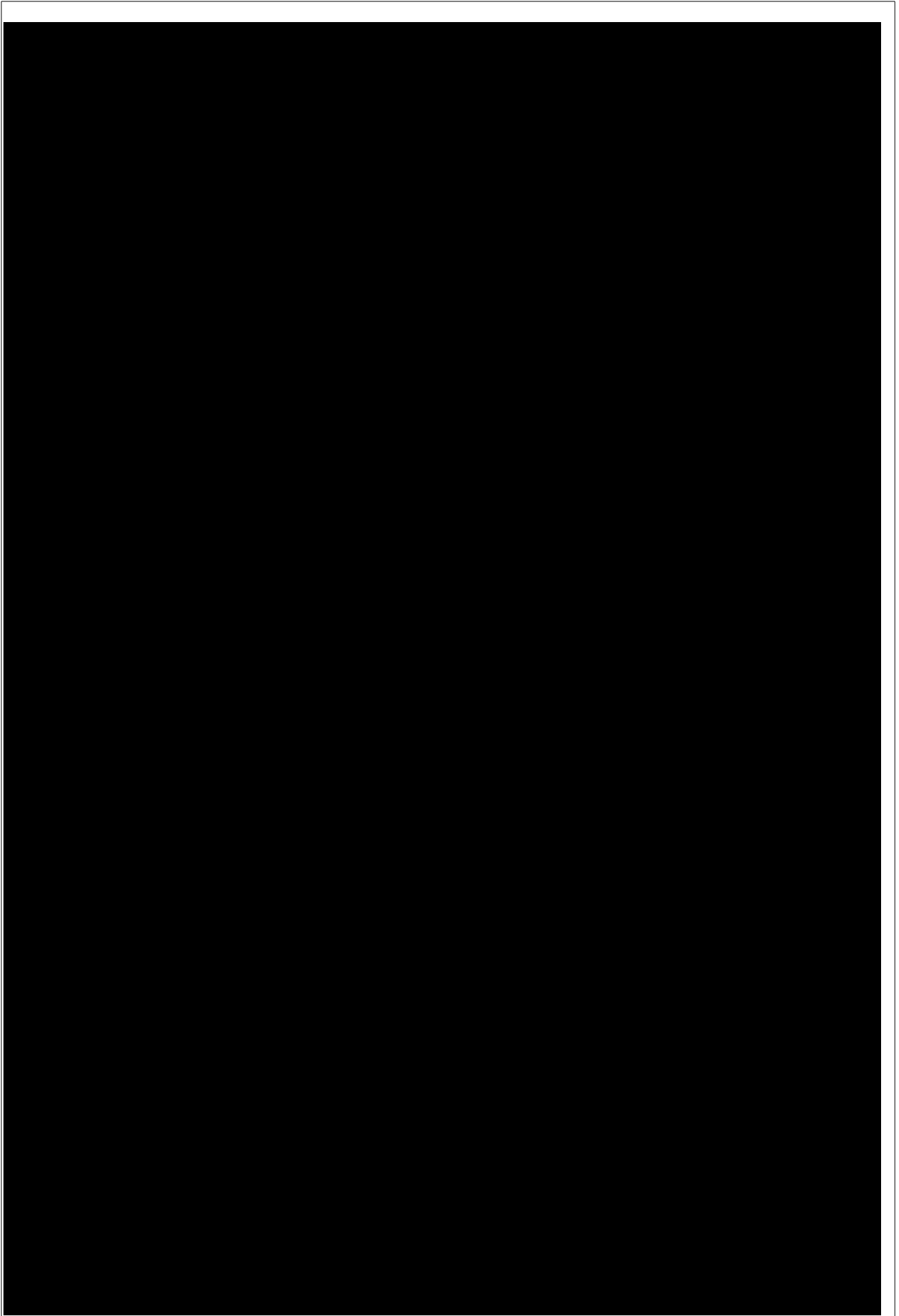
18 A. Yes.

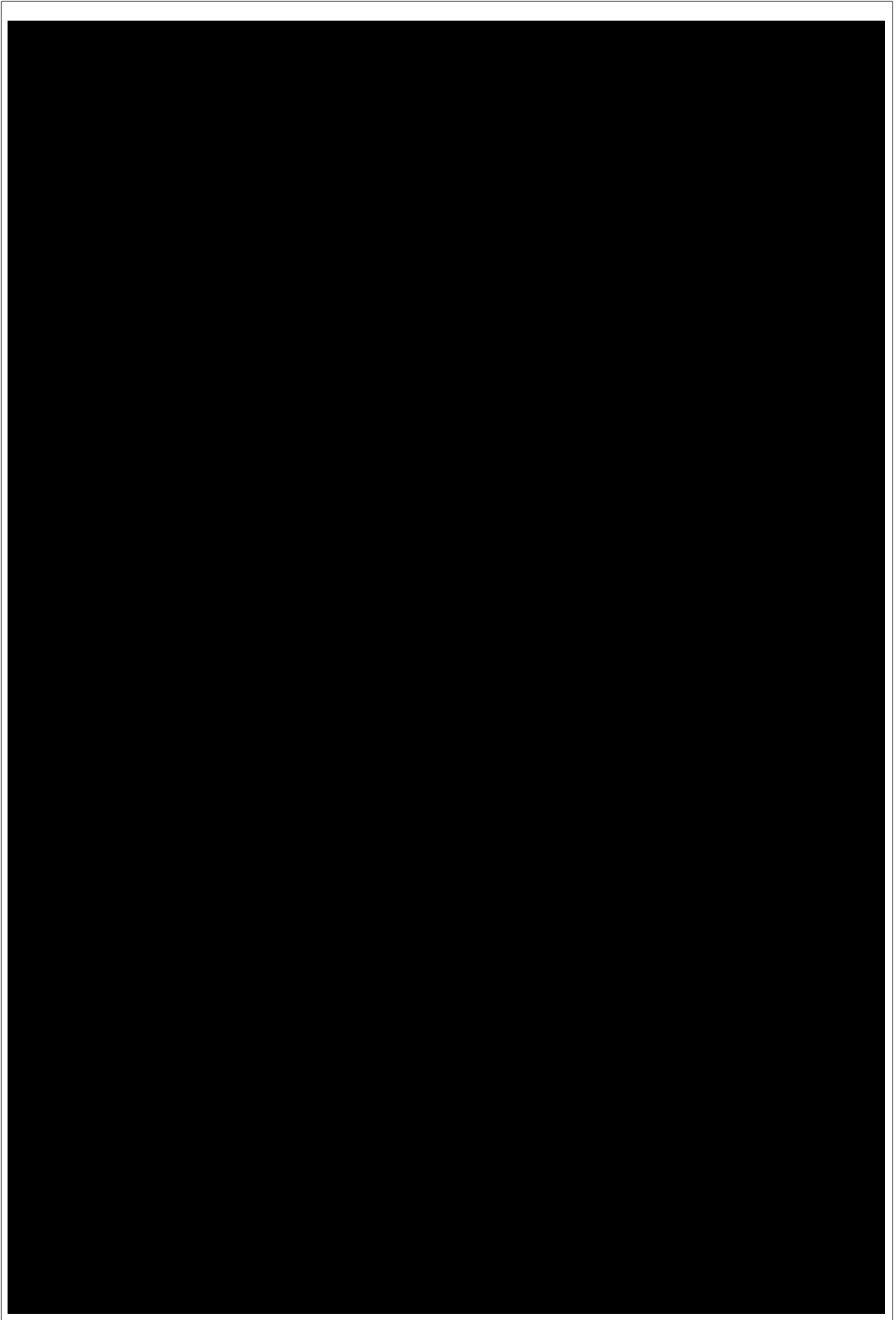
19 Q. This is from November 2012, right?

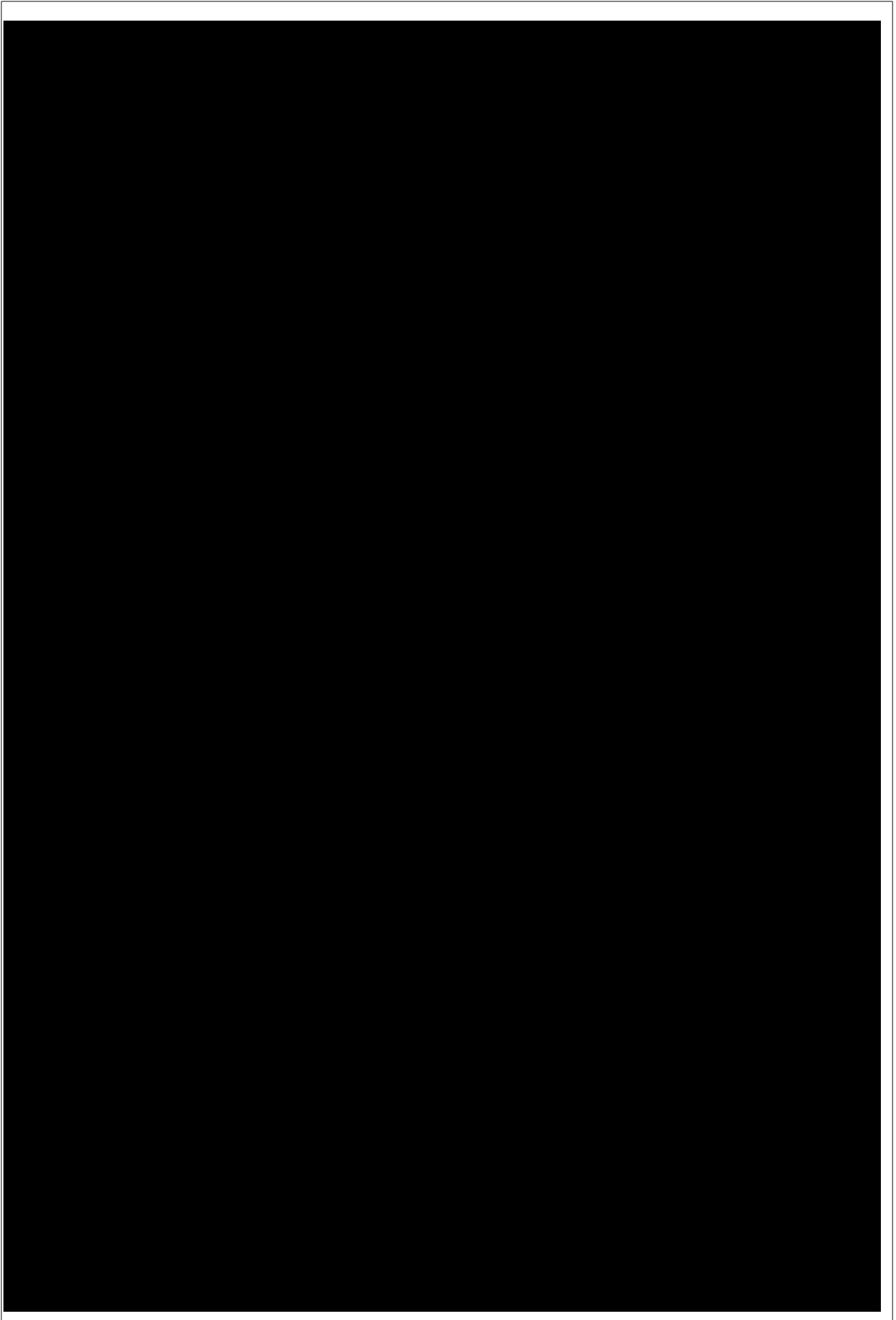
20 A. Yes.

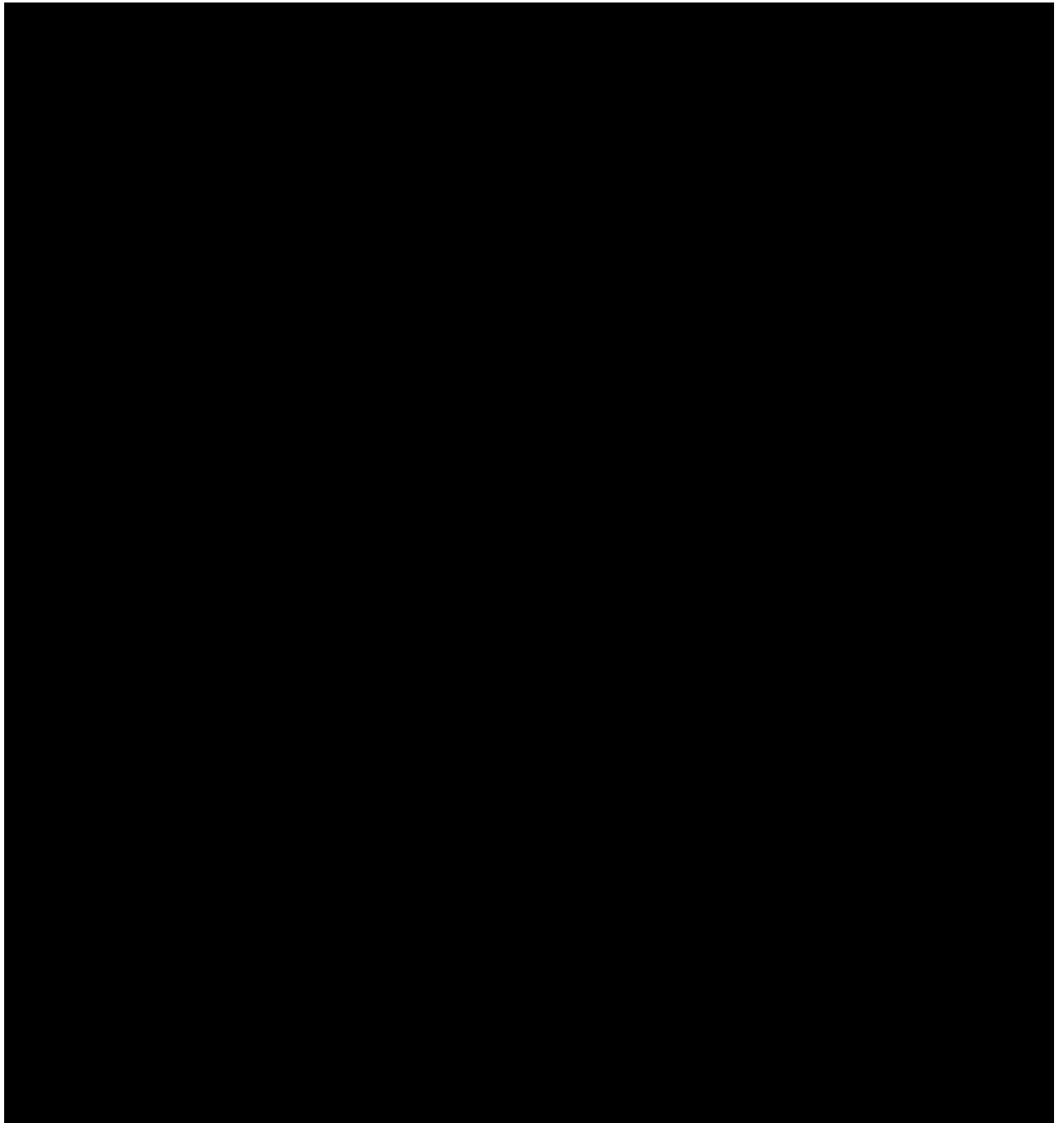
21 Q. And it's titled -- you were forwarding it,
22 it's, Controlled Substances Query Questions, right?

23 A. Yes.









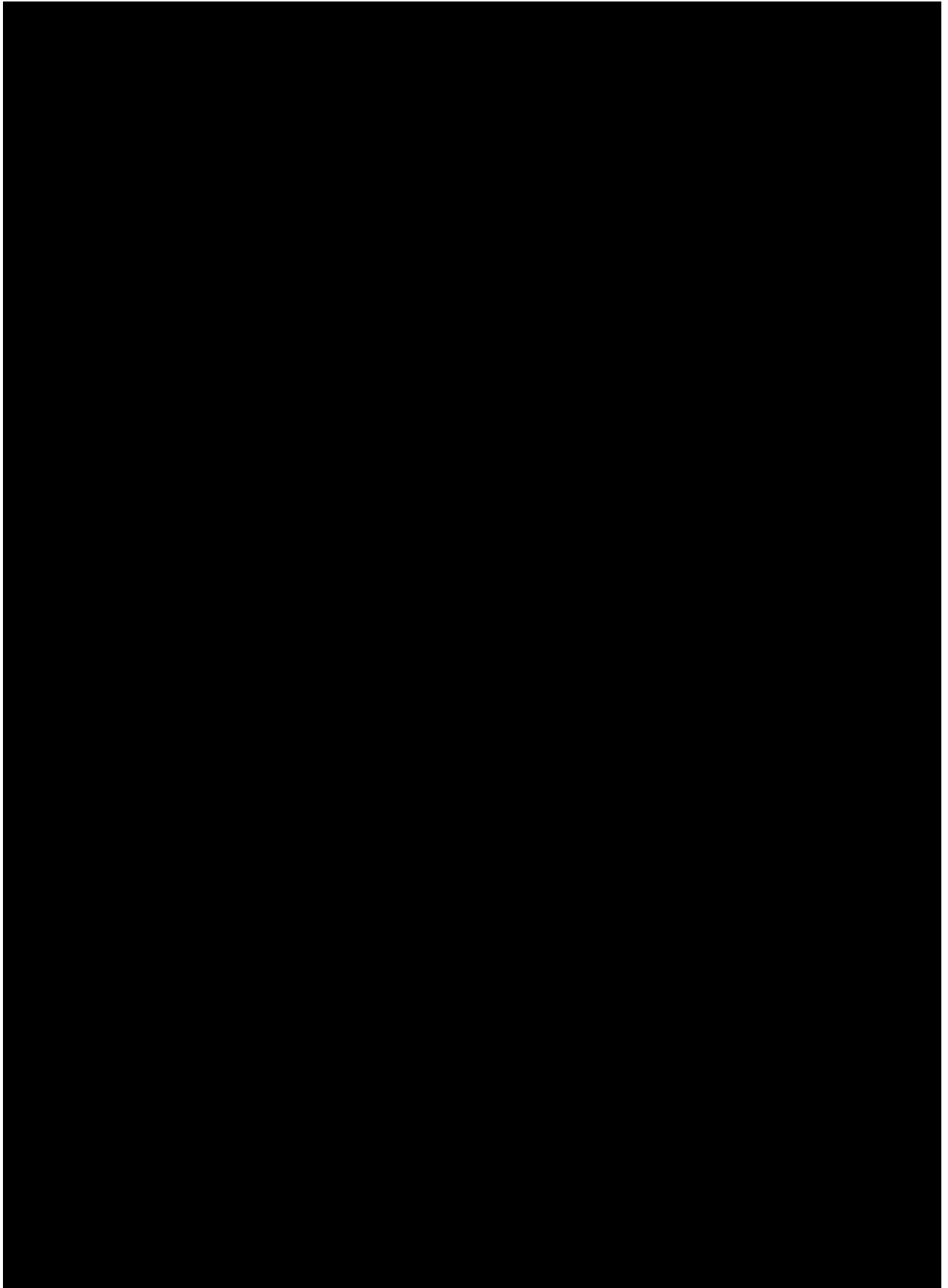
19 Q. And -- okay. I'll mark this?

20 (Anda-Versosky Exhibit 22 was marked for
21 identification.)

22 BY MR. PENNOCK:

23 Q. So Walgreens had, like, what, 8,000 stores,
24 something like that?

25 A. Yes.



24 Q. And if we go back a page, and this is all
25 laid out by states, true?

1 A. Yes.

2 Q. And if we look at Ohio, in Ohio there were
3 255 stores, right?

4 A. Yes.



14 Q. Okay. Now, so when you -- after you ran
15 this, did you provide this information to Walgreens?

16 A. I believe we did, yes.

17 Q. And when you provided it to them, did
18 they -- at any point thereafter, did Walgreens tell
19 you, well, I think we're going to be shutting down
20 some controlled substances sales at some of our
21 stores in Ohio?

22 MS. KOSKI: Object to form.

23 A. I don't recall that ever happening.

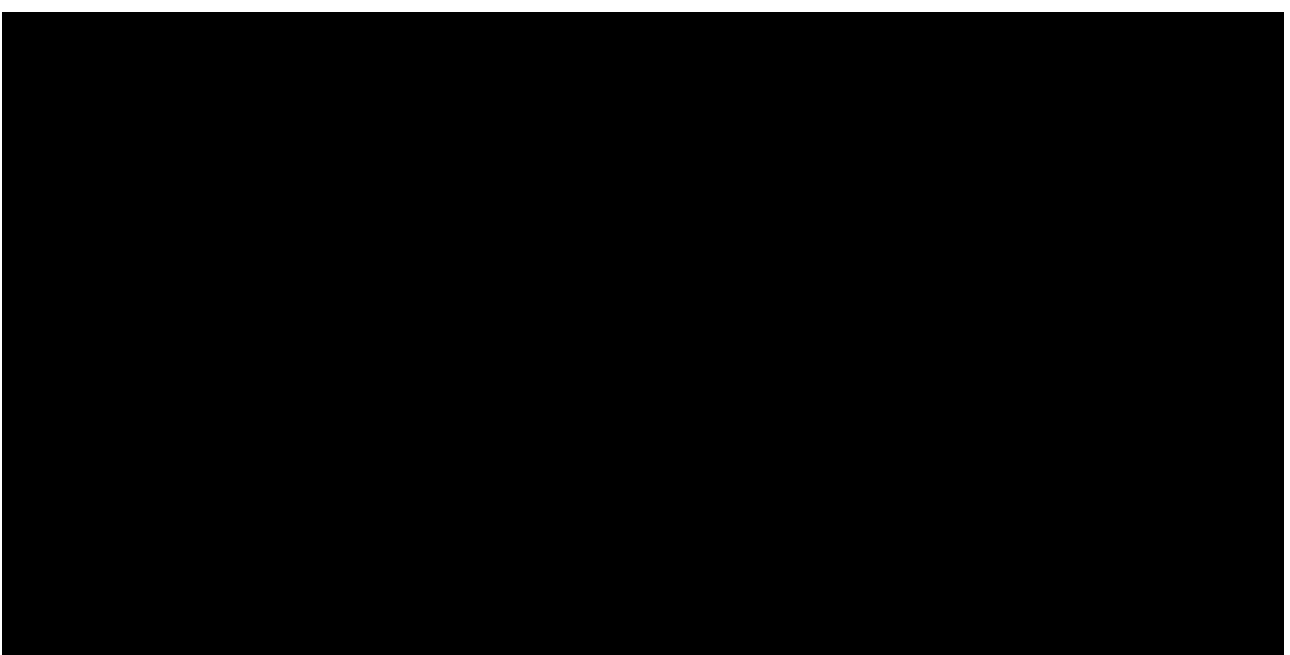
24 Q. And let's just look at some of the Ohio
25 stores.

1 MR. PENNOCK: Could you mark this, please.

2 (Anda-Versosky Exhibit 23 was marked for
3 identification.)

4 BY MR. PENNOCK:

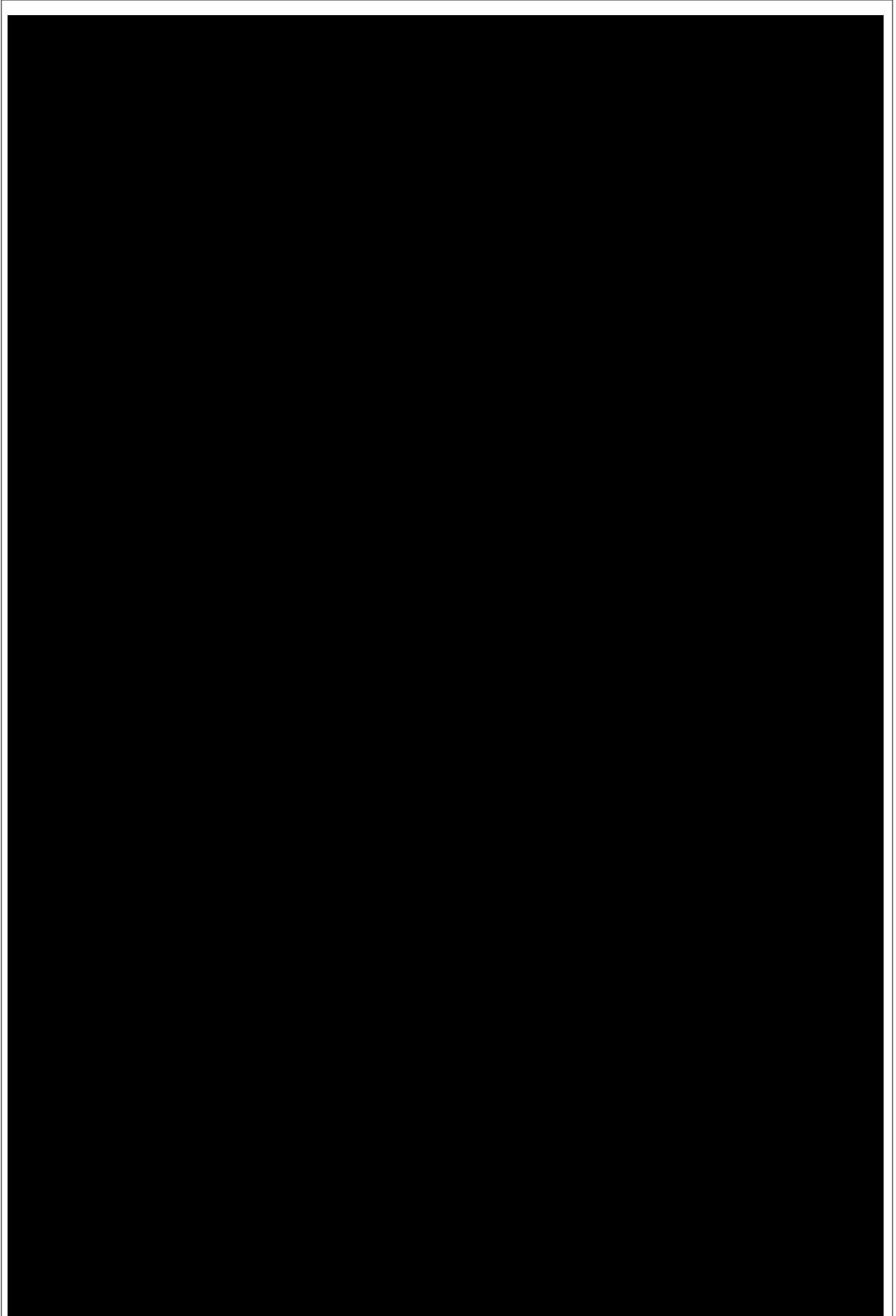
5 Q. So I've marked as Exhibit 23 to your
6 deposition, sir, a document produced in native
7 bearing Bates -- the cover sheet is Bates number
8 0000725057?



18 MR. PENNOCK: You're right, Katy, this is
19 excerpted from the entire state, individual store
20 data, or the entire list of individual store
21 data.

22 MS. KOSKI: We can talk offline I just want
23 to know how you sorted it. I'll just have a few
24 more questions.

25 BY MR. PENNOCK:



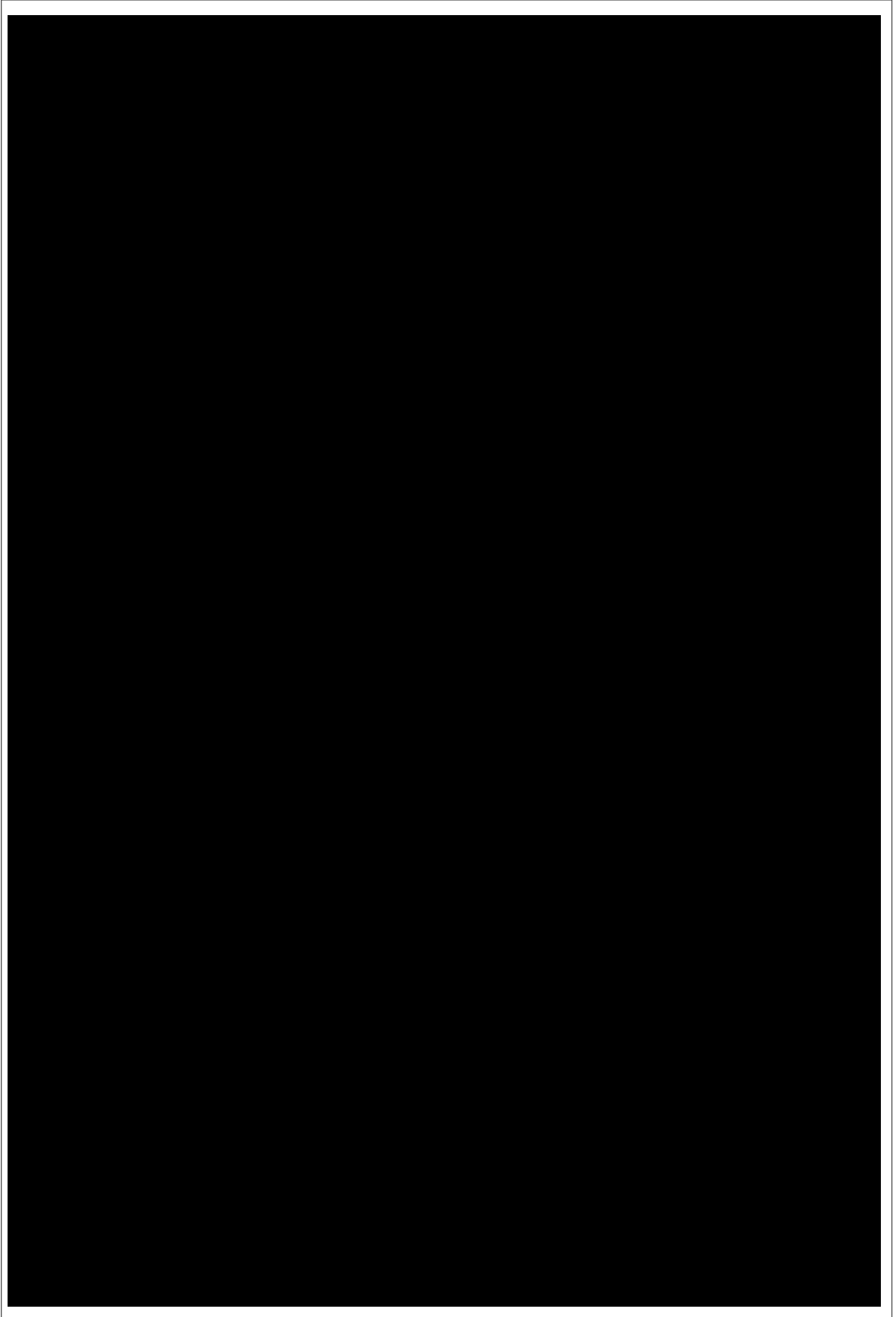
[REDACTED]

12 MS. KOSKI: Object to form; lack of
13 foundation.

14 MR. PENNOCK: Okay. Well, that's fair.
15 We'll hopefully get a stip on that later. I can
16 do it if you want me to.

17 MS. KOSKI: You can just ask him if he
18 understands that rather than --

[REDACTED]



11 Q. Let me mark this, this is another slice of
12 the same data.

13 MS. KOSKI: Separate number.

14 MR. PENNOCK: The only problem is they're
15 not -- your second piece is right there -- okay.
16 So that is part of the same exhibit.

17 (Discussion off the record.)

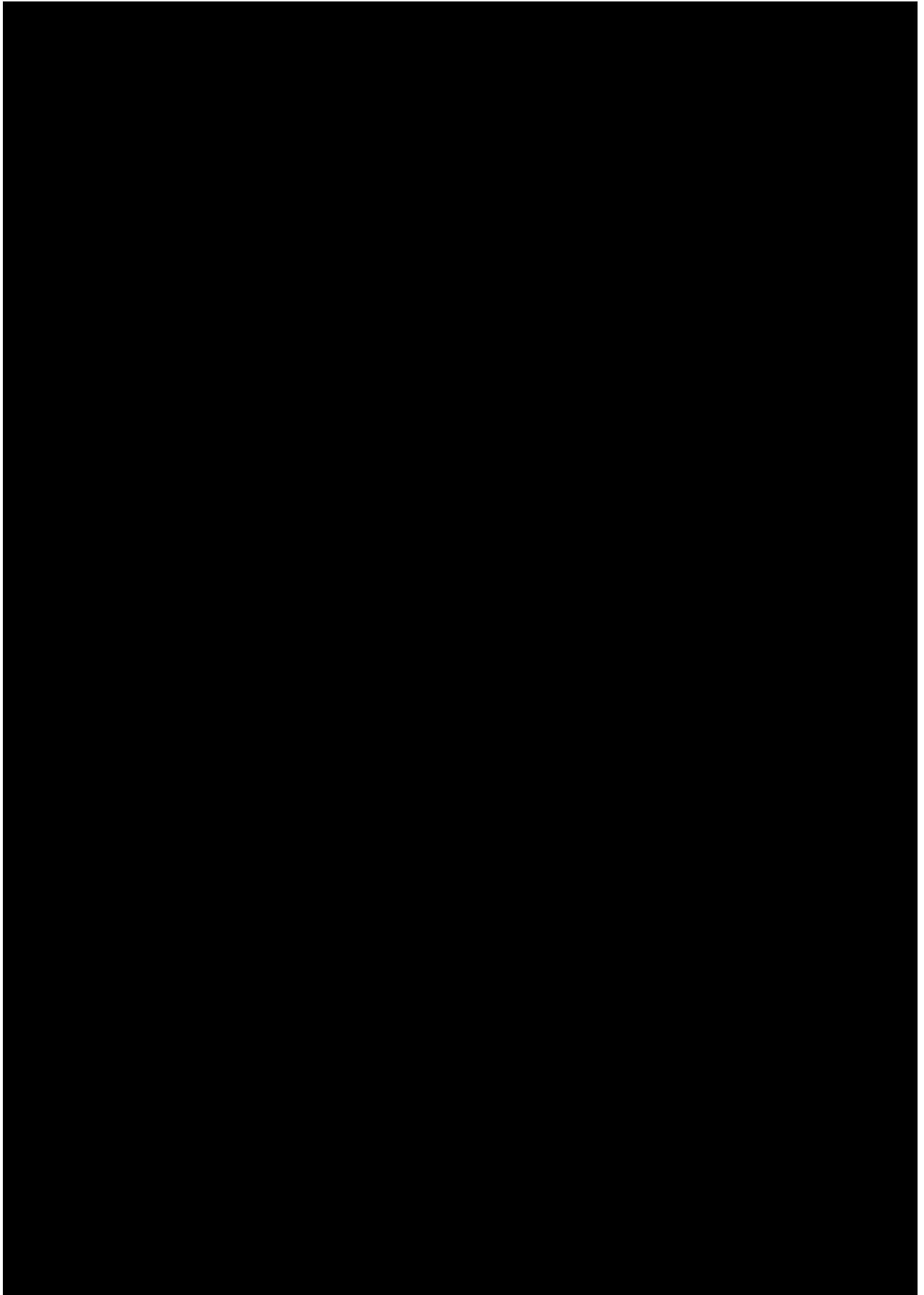
18 (Anda-Versosky Exhibit 24A was marked for
19 identification.)

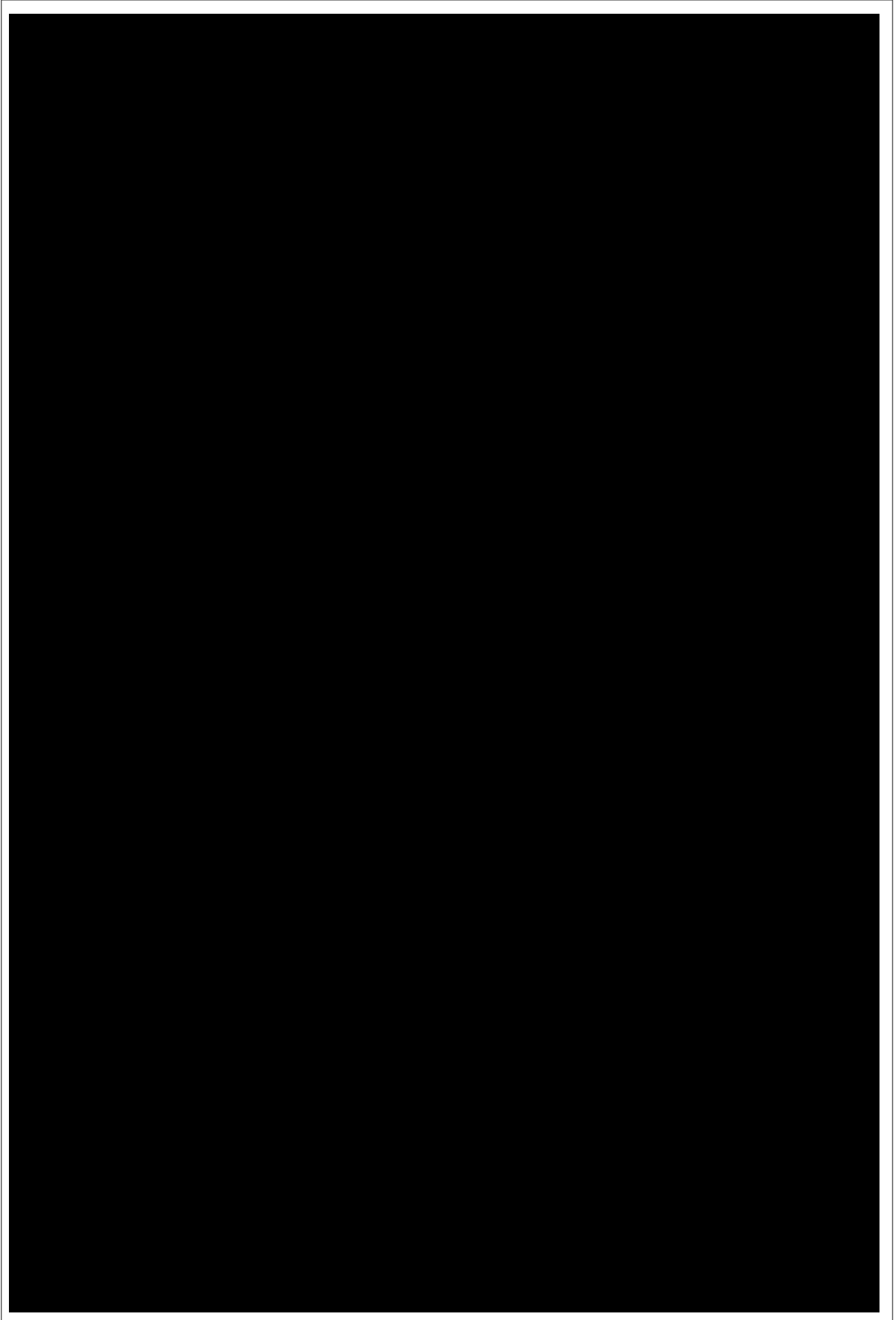
20 MS. KOSKI: I don't know if it makes your
21 life easier, I'm marking this 24A and B so that I
22 know what we are talking about.

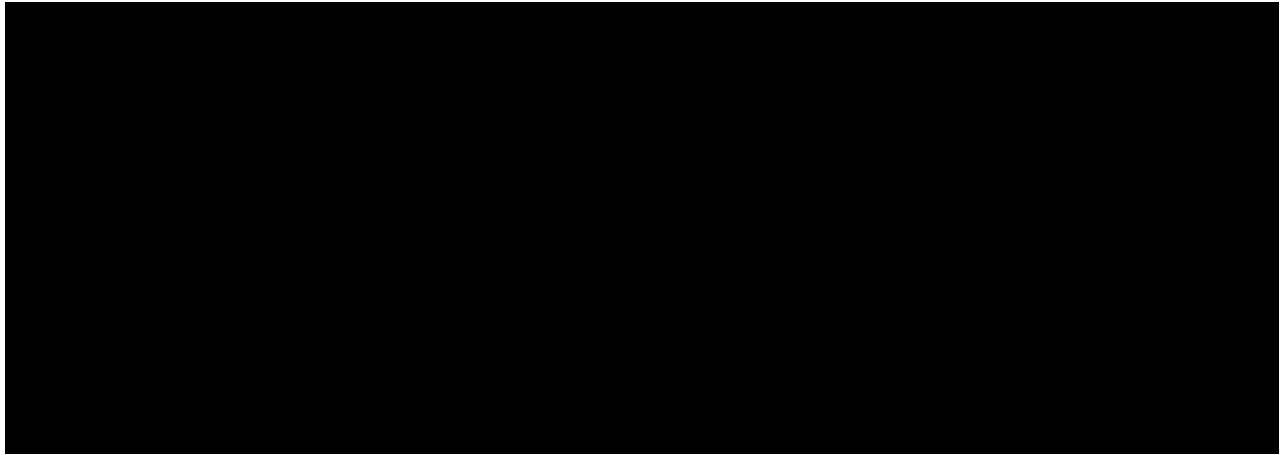
23 MR. PENNOCK: That is probably a good idea.

24 (Anda-Versosky Exhibit 24B was marked for
25 identification.)

1 BY MR. PENNOCK:







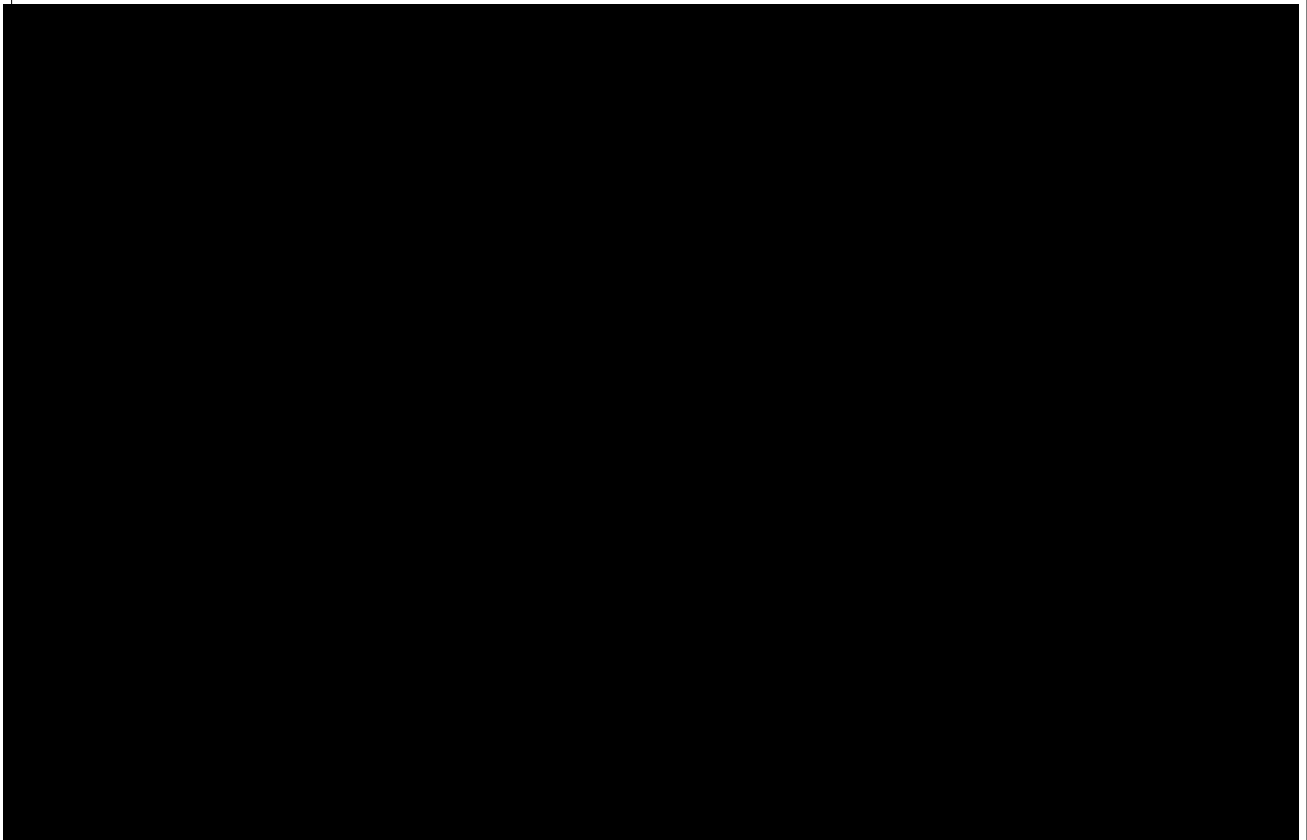
7 (Anda-Versosky Exhibit 25 was marked for
8 identification.)

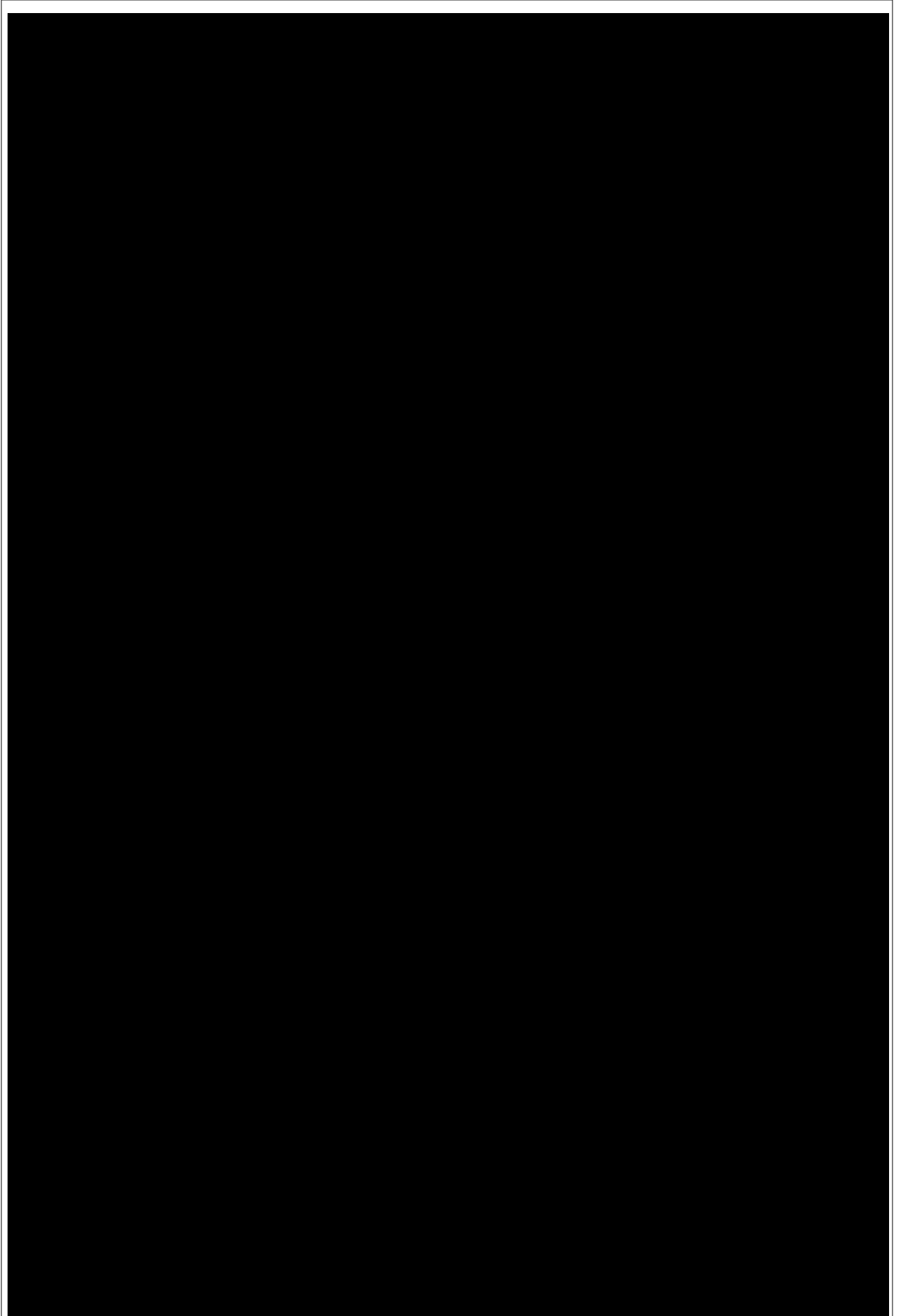
9 MR. PENNOCK: Can he look at that document?

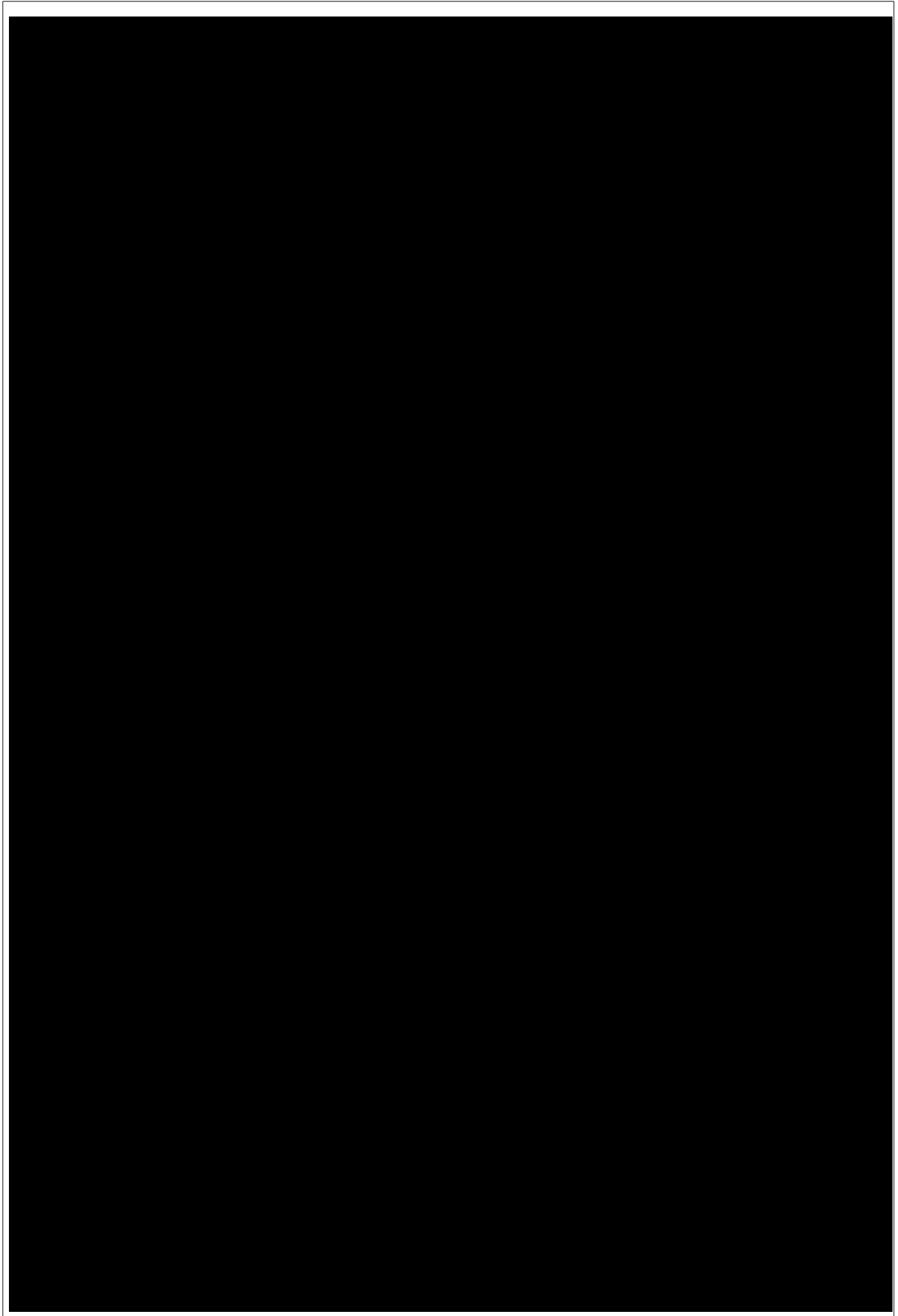
10 MS. KOSKI: Oh, yeah, sorry. Go ahead.

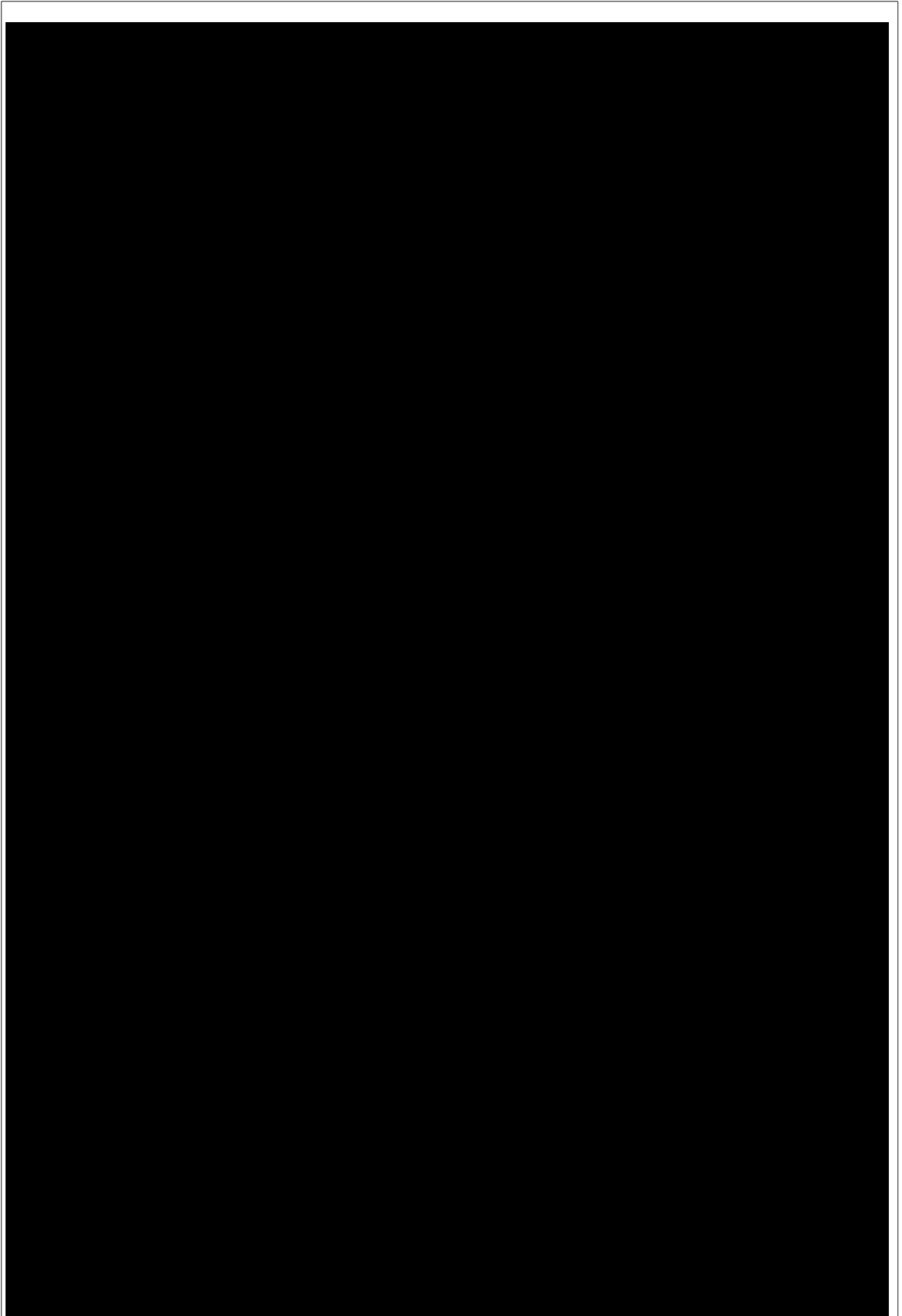
11 BY MR. PENNOCK:

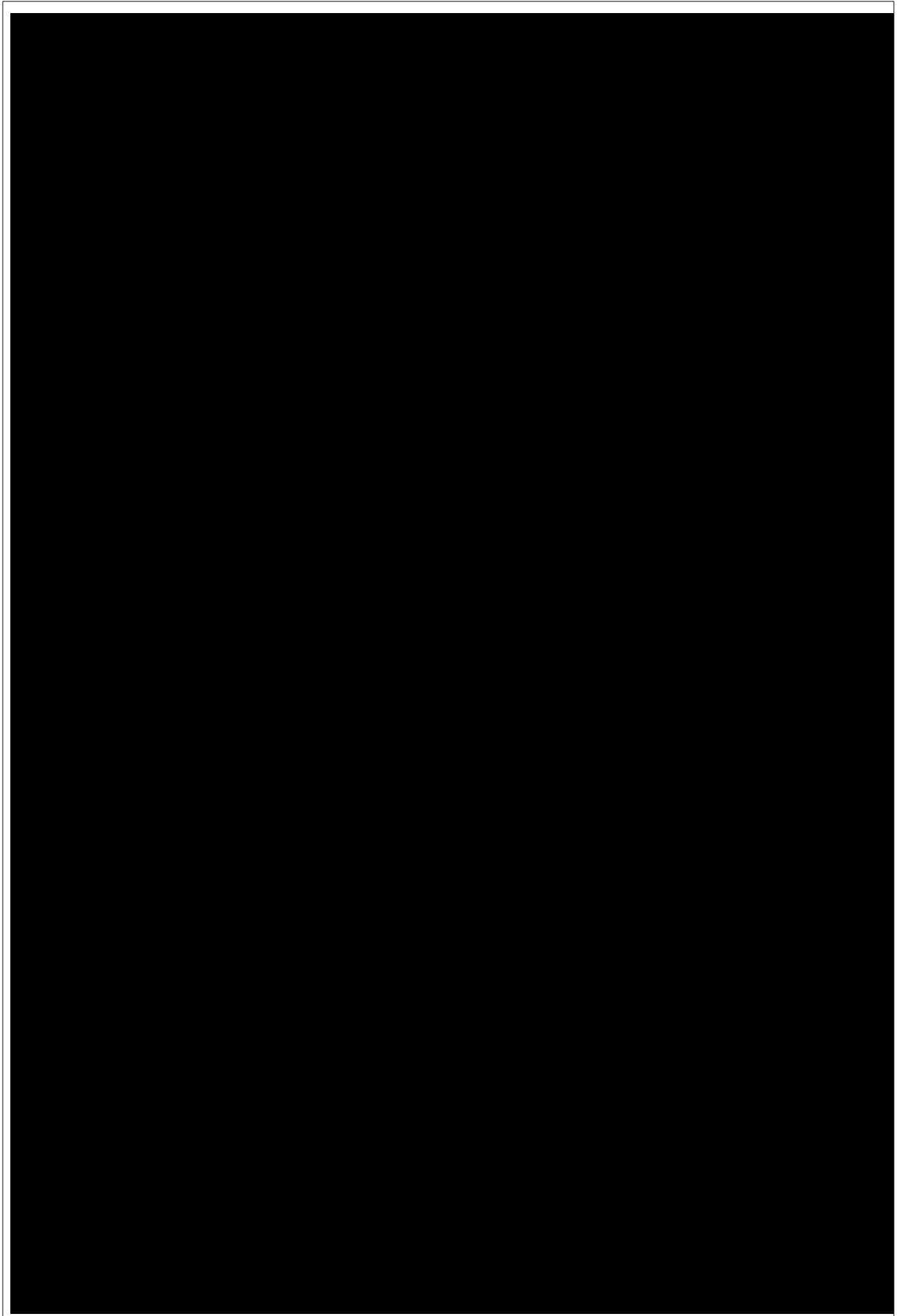
12 Q. While you're looking at that sir, marked as
13 Exhibit 25 to your deposition a document bearing
14 0000728018.

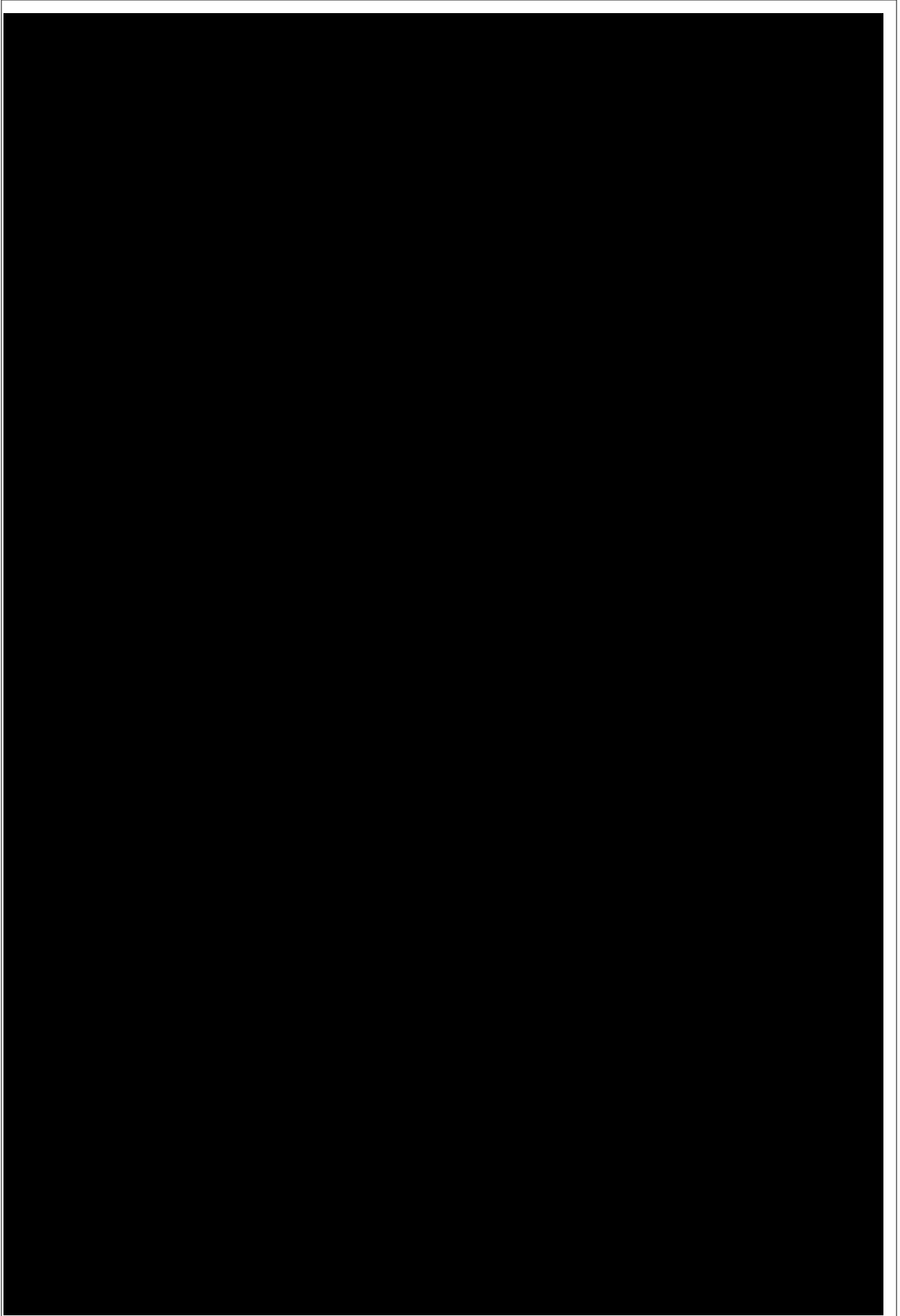


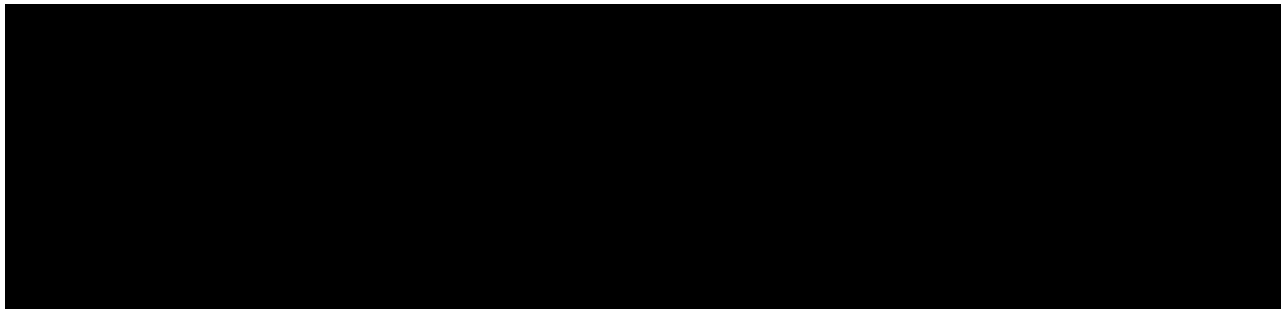












5 Q. Let's take a look at that for now.

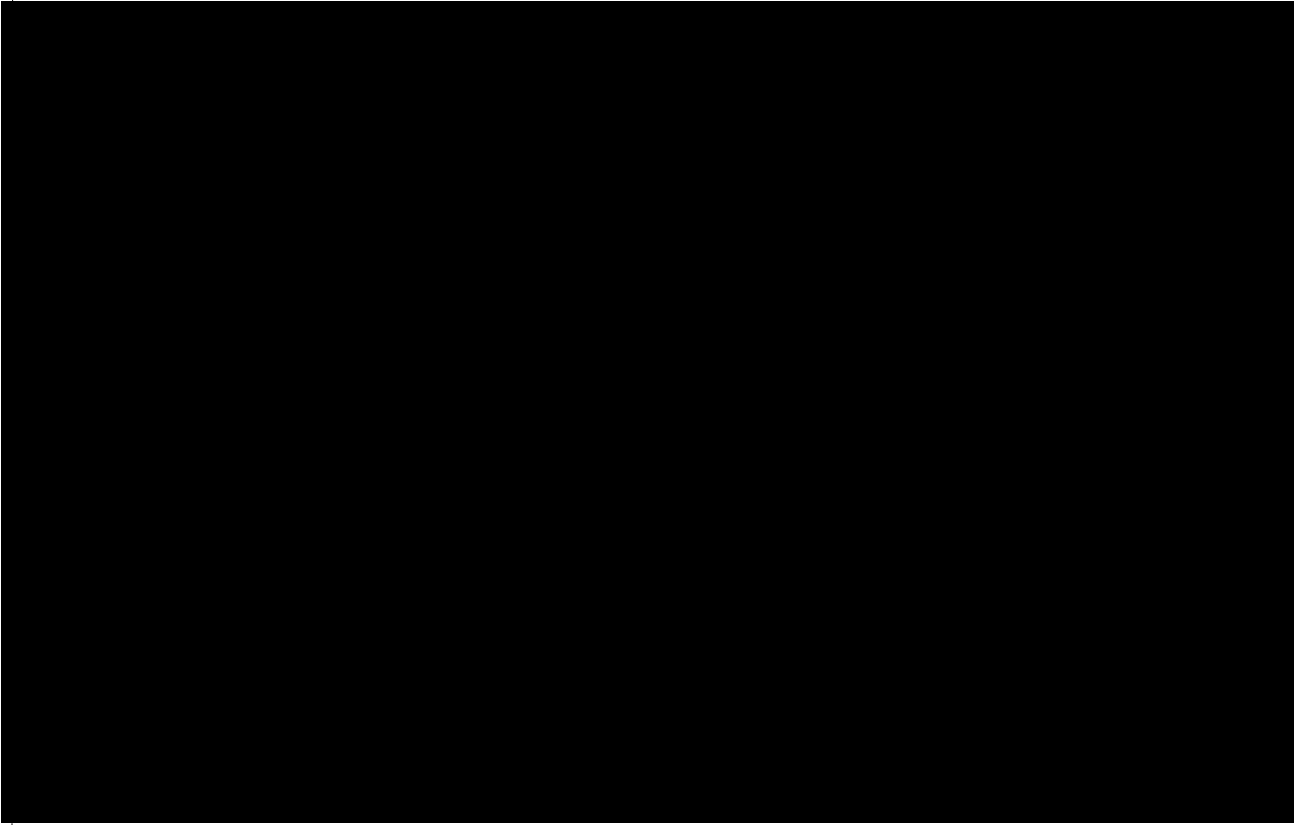
6 (Anda-Versosky Exhibit 26 was marked for
7 identification.)

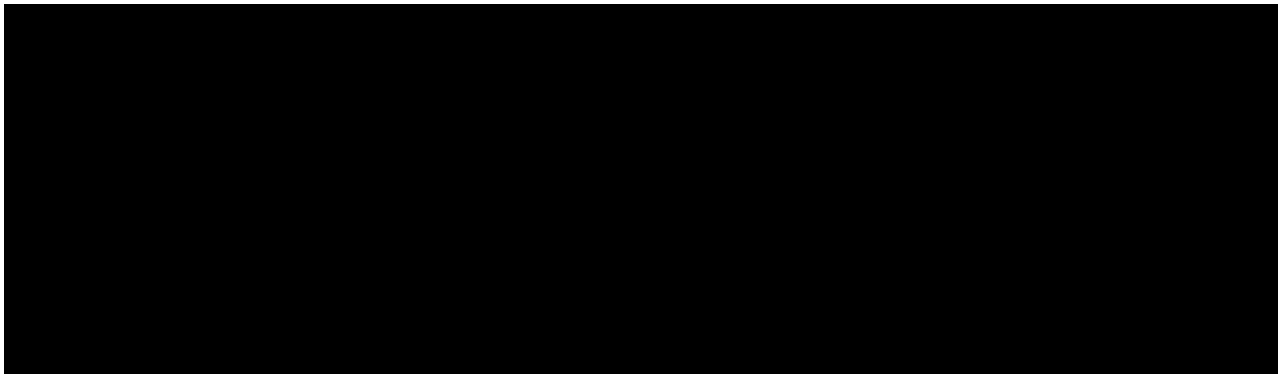
8 BY MR. PENNOCK:

9 Q. We've marked as Exhibit 26 to Mr. Versosky's
10 deposition, an e-mail, one page, bearing 000090003.

11 Okay. So here you were -- you're getting an
12 e-mail from Jeffery Daum. He was sort of the IT
13 guy, is that right?

14 A. Yes.



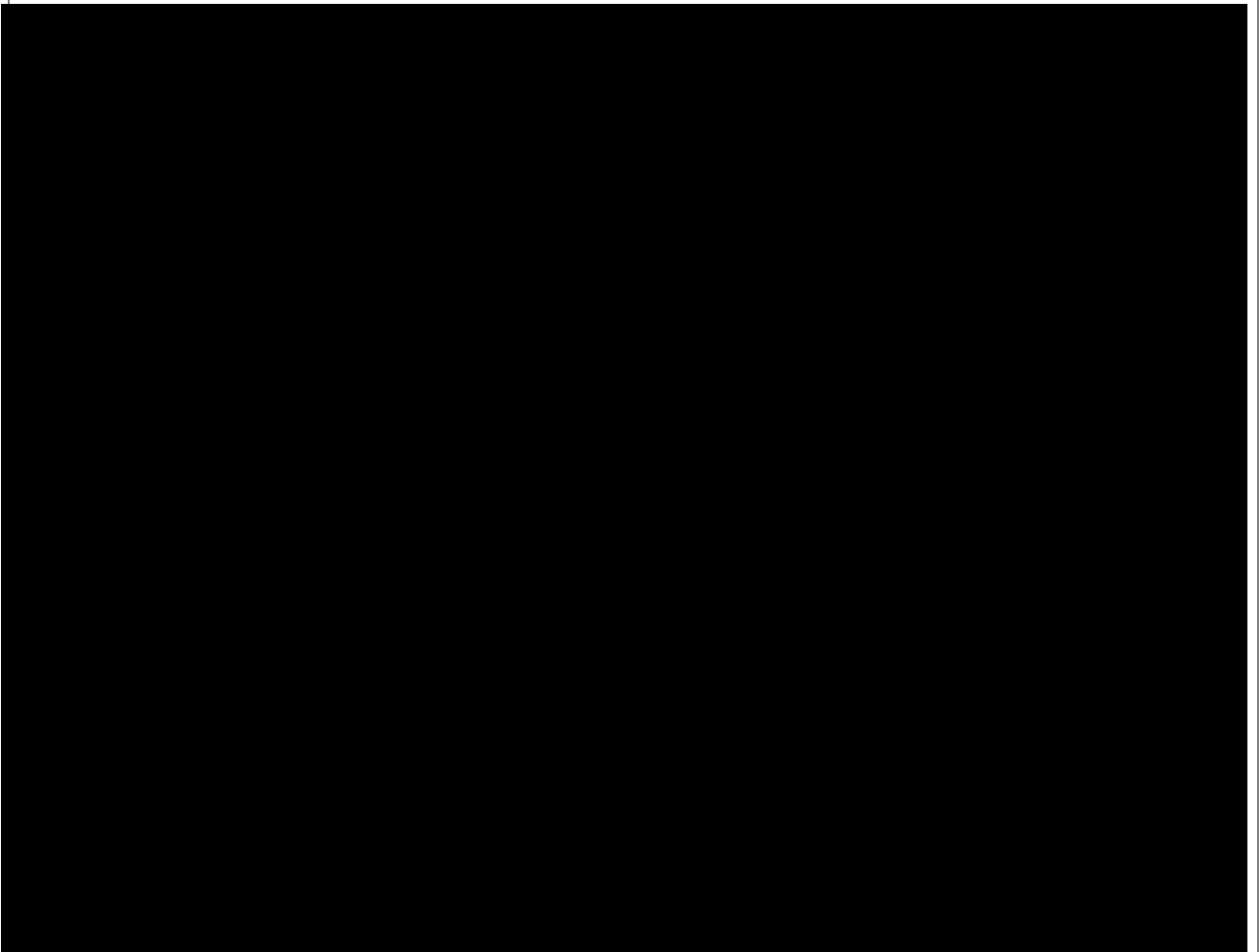


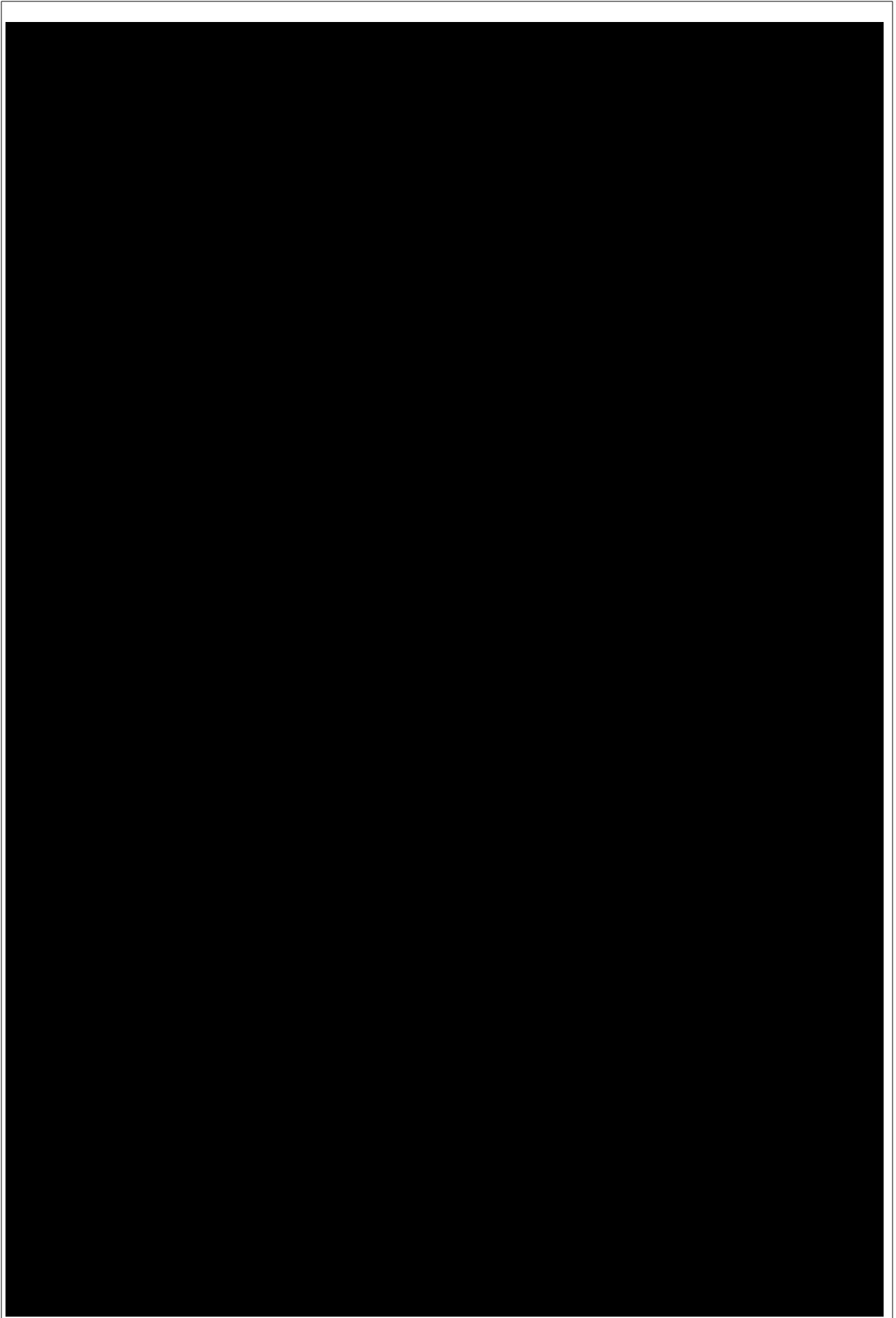
6 MR. PENNOCK: Another exhibit, please.

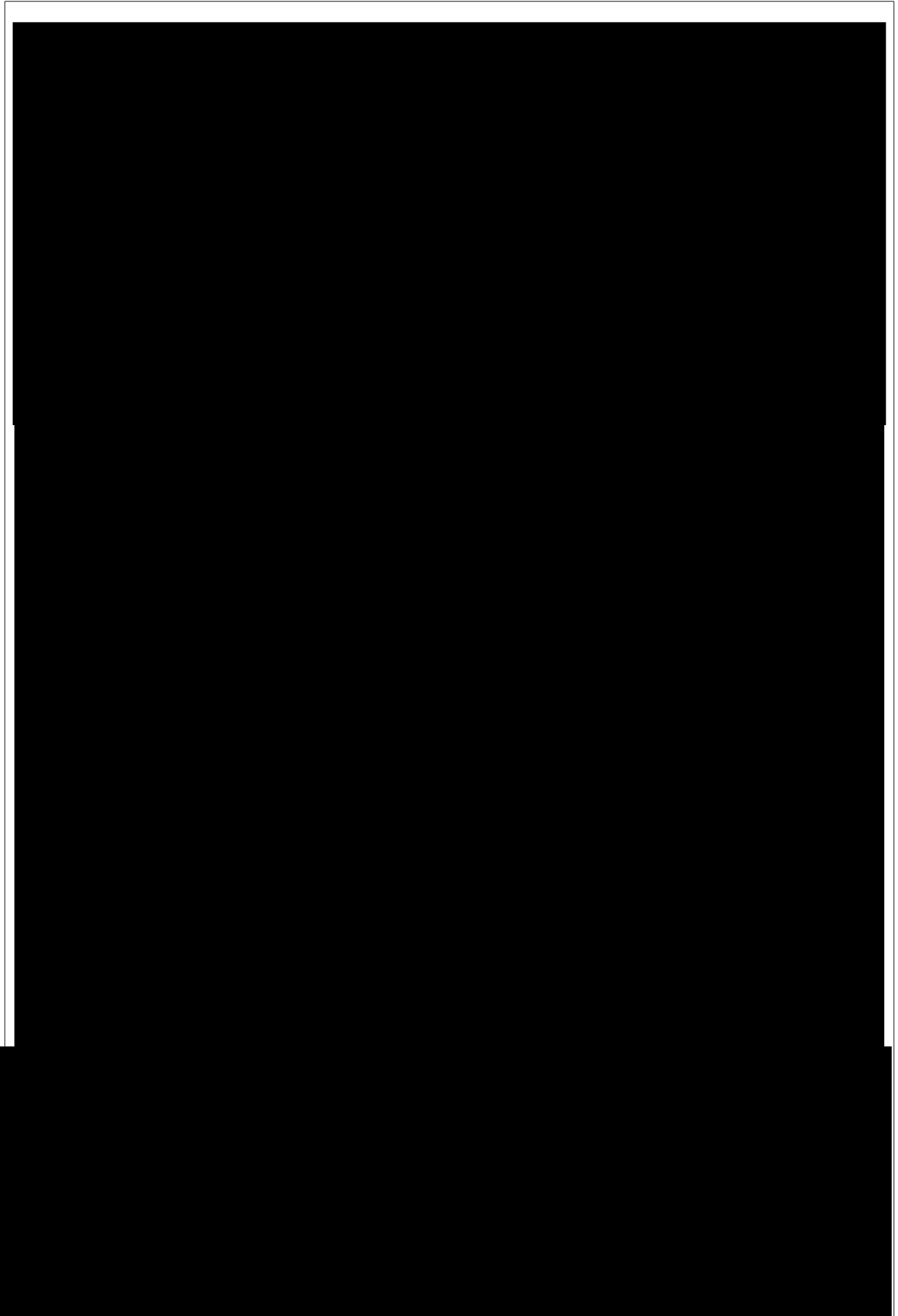
7 (Anda-Versosky Exhibit 27 was marked for
8 identification.)

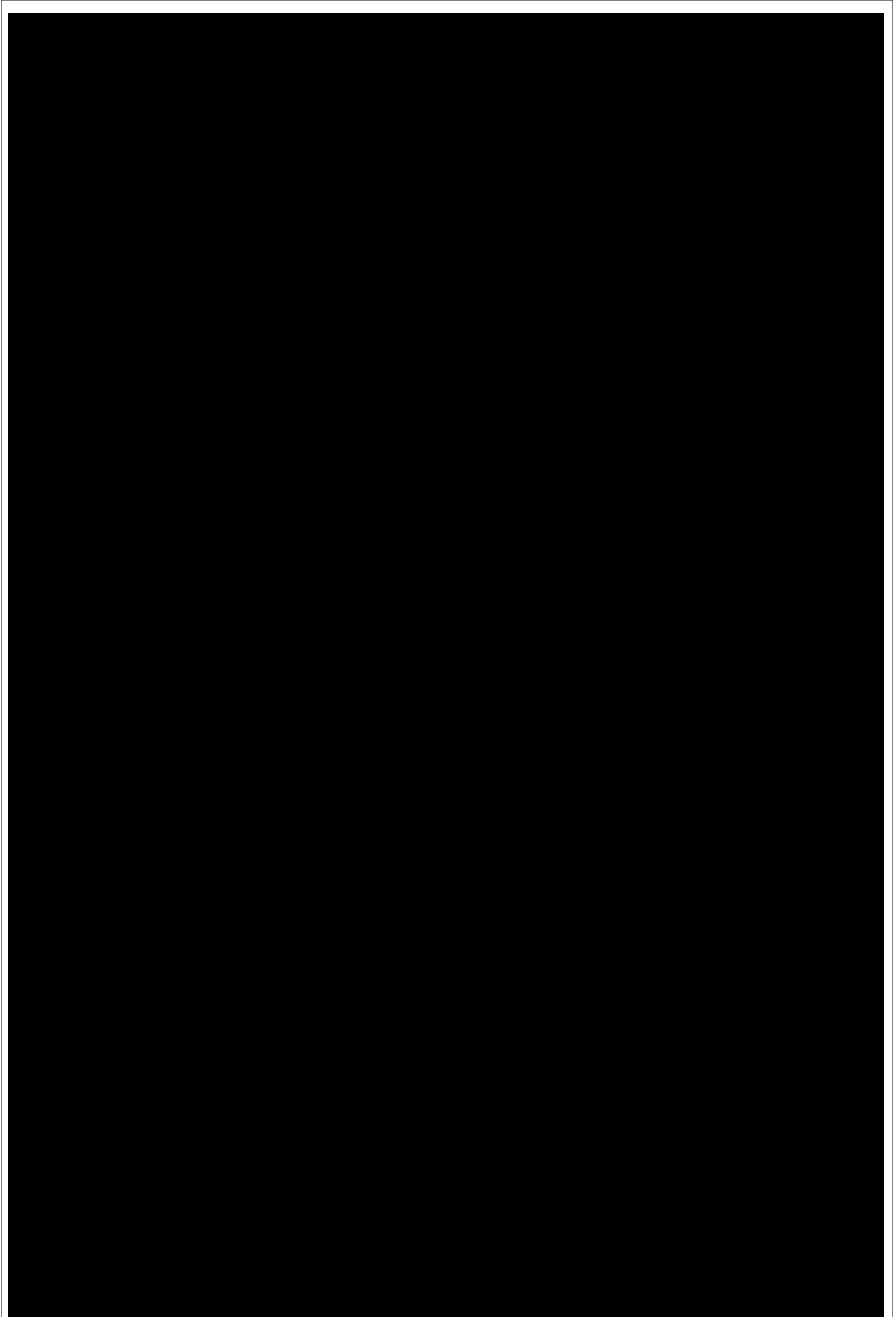
9 BY MR. PENNOCK:

10 Q. Exhibit 27 is a document produced in native
11 format bearing Bates number 0000090004. That's the
12 cover sheet. This will be Exhibit 27.







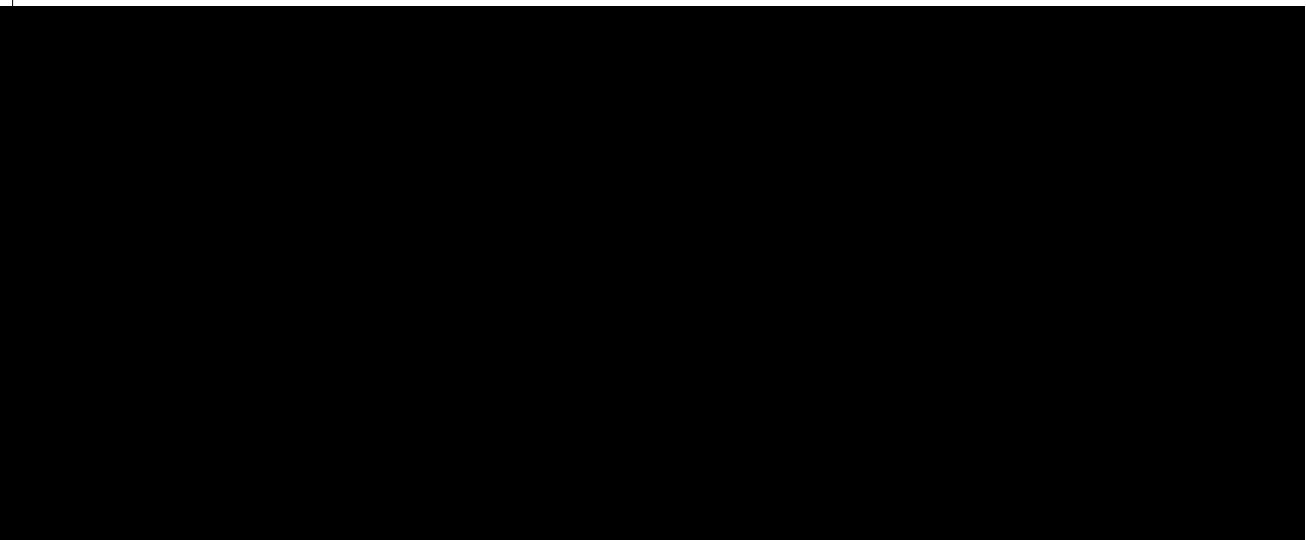


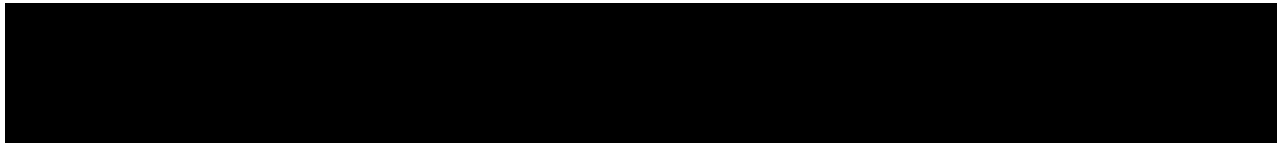


15 MS. KOSKI: Object to form.

16 Q. Go ahead?

17 MS. KOSKI: There is just more than one
18 question.





3 MS. KOSKI: Is this another A and B, or are
4 these separate? Are we doing this as an A and B
5 or are these two separate?

6 MR. PENNOCK: There's just one. There
7 should only be one.

8 MS. KOSKI: Oh, I just got two copies of the
9 same thing. Sorry. Yeah. Okay.

10 (Anda-Versosky Exhibit 28 was marked for
11 identification.)

12 BY MR. PENNOCK:

13 Q. We've marked as Exhibit 28 a document
14 bearing Bates numbers 0000085420. That's the cover
15 sheet. It was produced in native format.

16 MR. PENNOCK: This is the e-mail, right?
17 Let me mark this, too, because this is the
18 corresponding e-mail.

19 (Anda-Versosky Exhibit 29 was marked for
20 identification.)

21 MS. KOSKI: Go ahead, yeah.

22 THE WITNESS: Sorry.

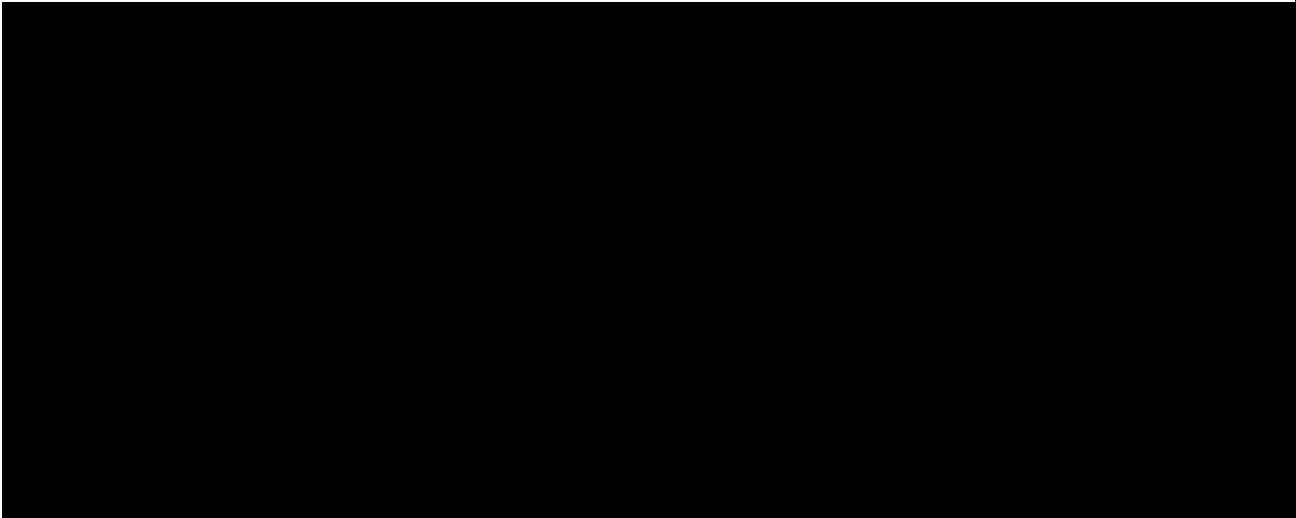
23 A. I'm ready.

24 Q. Okay. So we first marked Exhibit 28, this
25 is a PowerPoint that you had prepared, right?

1 A. Yes.

2 Q. And the Exhibit 29 is the e-mail
3 disseminating that PowerPoint internally and this is
4 in April of 2013, and you sent it to Robert Brown,
5 who was in compliance, right?

6 A. Yes.



14 Q. Subsequently, and you were not on this
15 e-mail, there was some concerns raised to the
16 president of the company about whether you should be
17 doing this PowerPoint, apparently. Do you see that?

18 A. It wasn't -- yeah, yeah. It's funny, this
19 -- this PowerPoint, this never -- I don't know that
20 this ever got sent to anyone externally. This was
21 something that I authored, I thought it was a good
22 idea, you know.

23 Q. Yeah.

24 A. I think the organization didn't. So this
25 was theoretically taking that big data solution and

1 could we do this as a service to help our customers
2 to look at their data in the way that we're looking
3 at their data.

4 Q. Right?

5 A. Because at the chain level at that point,
6 the chains and their regulatory folks were able to
7 see kind of, you know, their information, whereas
8 Mike and our team were able to see sort of the --
9 more of the market's information. Potentially
10 better informed, another set of eyes, I thought it
11 could be a good service. It didn't really become a
12 service.

13 Q. Okay. So Mike Cochrane's suggestion to the
14 president of the company apparently, the president
15 went with that and you never gave this presentation
16 to --

17 A. Yeah, I don't believe it ever went anywhere.
18 We may have discussed the concept with people, but I
19 don't think the formal presentation or anything ever
20 went anywhere and we definitely never got any kind
21 of customers on board with it.

22 Q. With the flag system that you had developed?

23 A. With, like a formal, you know, named
24 program. The -- so the flag system, as you
25 mentioned --

1 Q. Was part of the named program?

2 A. Walgreens saw that. This was after that.

3 This was taking that, you know, kind of data
4 solution that we created and trying to turn it into
5 something that we could offer out to others,
6 potentially.

7 Q. So you did it for Walgreens, you showed it
8 to Walgreens, so that they could use it, whether
9 they did or didn't, we don't know?

10 A. We shared it as part of our discussion with
11 them related to were we going to sell product to
12 them.

13 Q. And you called -- then you said well, let's
14 develop that into a program --

15 A. Yeah.

16 Q. -- to assist the chains?

17 A. Yes.

18 Q. And you were going to call that the
19 Compliance Assisted Program, right?

20 A. Yes.

21 Q. CAP. Maybe they didn't like the word CAP,
22 huh?

23 A. Maybe.

24 Q. Maybe. So in any event, put -- this CAP
25 program does not materialize as something being

1 offered to other customers, as I understand it,
2 correct?

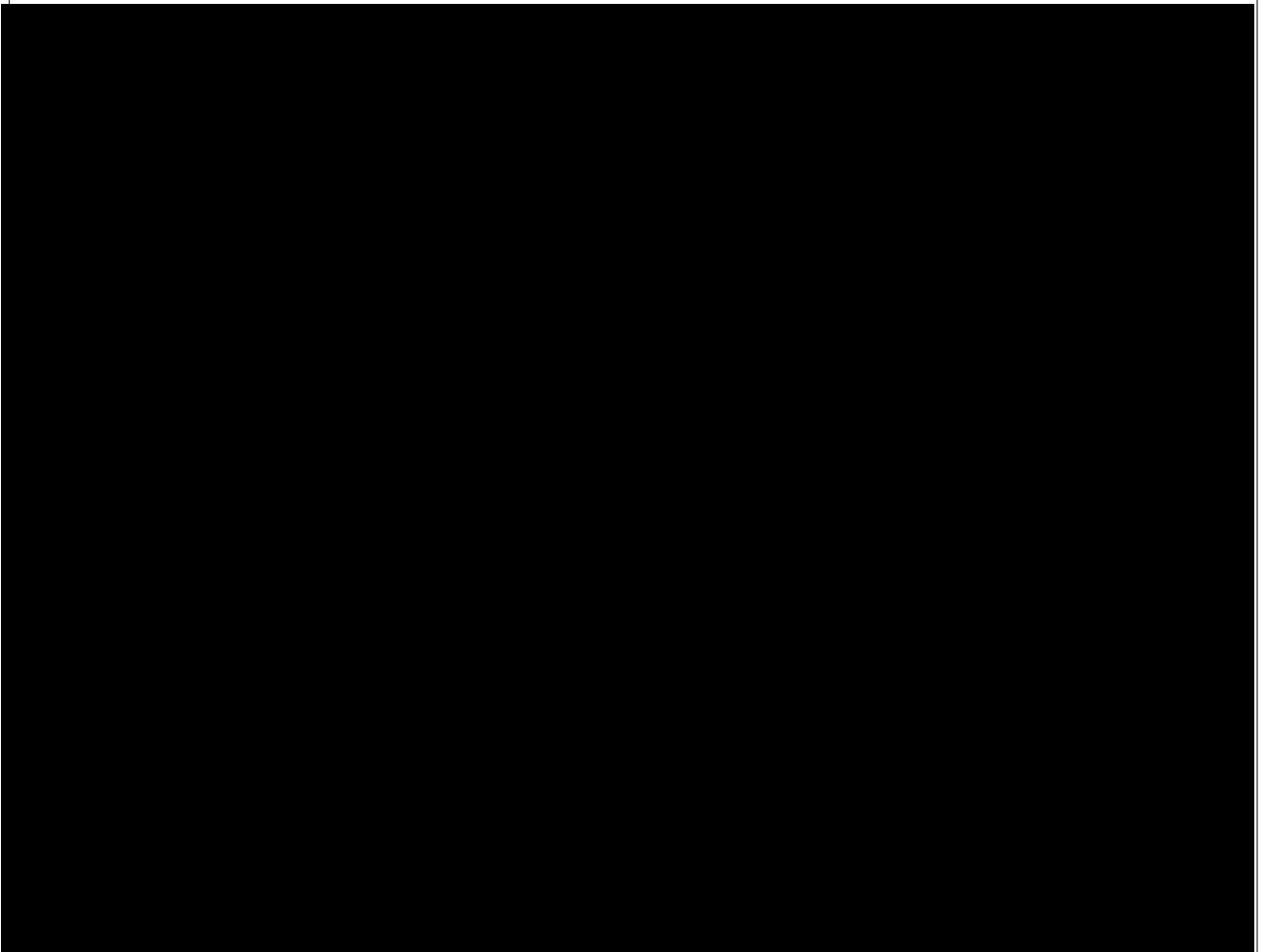
3 A. Correct. Yeah.

4 Q. Now, does this PowerPoint refresh your
5 recollection as to whether you were selling to
6 Walgreens at that time?

7 A. To Rite Aid.

8 Q. I'm sorry. To Rite Aid at that time?

9 A. It does not, and I see at the end there is a
10 chart related to Rite Aid, so this would have been a
11 draft kind of for presentation to Rite Aid. I don't
12 know that they ever got this or saw this chart.



3 You told me that they didn't go along with
4 this CAP program that you had thought up might be
5 helpful, right?

6 A. Yes.

7 Q. And you thought it might be helpful because
8 your customers might look at it as the two of you
9 working better together regarding controlled
10 substances, right?

11 A. Yes.

12 Q. And you were trying to improve the working
13 together relationship on controlled substances that
14 had existed to date, right?

15 A. Yes.

16 Q. But your -- the president of the company
17 apparently turned it down, we established that,
18 right?

19 A. I don't know that it was him specifically
20 that turned it down, but, yes, it never went
21 anywhere.

22 Q. And do you know why it never went anywhere?

23 A. I don't recall specifically. Right? The --
24 I think there was some development involved. We
25 were trying to, I think, put it in as part of the

1 CSOS enterprise application, but I don't recall
2 specifically.

3 Q. Okay. Do you -- do you remember having
4 symposiums from year to year?

5 A. Yes.

6 Q. And these were events where you invited both
7 manufacturers and customers to, right?

8 A. Yes.

9 Q. What were -- what was the purpose of
10 those -- of these symposiums?

11 A. So -- I mean the purpose of everything we
12 did was to grow sales. So these were
13 specifically -- as a distributor, right, we had
14 customers that were both manufacturers and
15 retailers. We treated the customer -- the --
16 treated the manufacturers as customers as well, but
17 a good chunk of our customer base, our retailer
18 customer base didn't really have strong
19 relationships with generic manufacturers, so we
20 created this thing to kind of bring them together,
21 help our smaller customers build relationships with
22 manufacturers hoping that it would lead to
23 opportunities for us, for them to connect together
24 through us.

25 Q. So they would meet -- they would come to

1 this symposium?

2 A. It was like a trade show.

3 Q. There would be golf, like a convention, at a
4 lot of places?

5 A. Yes.

6 Q. You had maybe some golf involved, right?

7 A. Yes.

8 Q. You had a motivational speaker, I think one
9 of them you had Joe Montana?

10 A. Right.

11 Q. And you had Dr. J at one?

12 A. Yes.

13 Q. Jack Nicklaus showed up to one.

14 A. Yes.

15 Q. You had one around Scottsdale, Arizona?

16 A. Yes.

17 Q. What would -- by the retail customer meeting
18 with the manufacturer, how would that benefit Anda?

19 A. Yeah. So the -- I mentioned -- an indirect
20 contract. The customers, depending on how they were
21 organized from a buying structure, if they had their
22 own warehouse, if they didn't -- depending on that,
23 they could utilize us in different ways. Right? So
24 if they didn't have their own warehouse, their
25 ability to buy outside of their primary wholesaler

1 was limited. We would try to get them to load an
2 indirect contract through us, we would ship them,
3 they would buy the rest of their products from the
4 primary wholesaler.

5 If they had a warehouse, they may not be
6 warehousing CIIs, they may not be warehousing -- I
7 don't know, special items or some other type of, you
8 know, niche item. So it was basically we would
9 provide a distribution service that connected that
10 manufacturer to that store.

11 Q. I see. So they would meet the manufacturer
12 at the symposium, presumably, the convention,
13 whatever, trade show, and by meeting the
14 manufacturer, they might decide, well, you know
15 what, I want to buy from that manufacturer now.

16 A. Correct. That was our hope.

17 Q. So -- and it would be a generic, so they
18 could be buying that product from any number of
19 manufacturers but because they made a personal
20 connection, they are like, you know what, I'm going
21 to give that guy the business. Is that sort of it?

22 A. It is a very relationship heavy business,
23 yes.

24 Q. Okay. I see. And were there -- the seventh
25 annual chains -- let me just mark this and show you

1 this.

2 A. Sure.

3 (Anda-Versosky Exhibit 30 was marked for
4 identification.)

5 BY MR. PENNOCK:

6 Q. I printed out the entire thing off the web,
7 but your quote, I think, is on page 3. It starts at
8 page 2. It says -- and this is Exhibit Number 30.

9 So Anda facilitates relationship building,
10 this is exactly what you were just telling me?

11 A. Right.

12 Q. April 28, 2014, this is an example, you had
13 Joe Montana in there, right?

14 A. Yeah.

15 Q. Okay. So I don't know who wrote this, but
16 it's from the web, this is -- here's the -- from
17 Drugstore News, right? Okay. More than 350
18 executives who participated in Anda's seventh annual
19 supply chain symposium Thursday and Friday here,
20 including a record 25 retail representatives, were
21 treated to a keynote address from sports legend
22 Dr. J and four-time Super Bowl Champion Joe Montana,
23 right?

24 A. Yes.

25 Q. And then you had a quote in here: Yeah, the

1 key to this event, what really does make it unique,
2 is the casual atmosphere, said Bill Versosky, VP
3 sales and marketing for Anda.

4 Do you see that?

5 A. Yes.

6 Q. Quote: We look at both the manufacturers
7 and the retailers as our customers.

8 Do you see that?

9 A. Yes.

10 Q. That's exactly what you were saying?

11 A. Yes.

12 Q. Okay. So this event is where we bring all
13 of our customers together and enable conversations
14 between them to help grow their businesses. End
15 quote.

16 So I think your prior comments already
17 established what I was asking about, is that's what
18 it was all about?

19 A. Yes. Yes.

20 Q. And their -- were they successful?

21 MS. KOSKI: Object to form.

22 A. You know, it's funny. So this event we
23 always held, and I believe Anda still to this day
24 holds it sort of piggyback to one of the NACDS
25 shows. You asked about NACDS before, so this is

1 like the day before, two days before.

2 Q. Got it?

3 A. Traditionally coming out of those shows we
4 would leave with new opportunities either with a
5 manufacturer or with a customer, so we thought they
6 were generally successful.

7 Q. That's why you keep having them?

8 A. Yes, why they keep having them.

9 Q. They are not inexpensive propositions, they
10 are not inexpensive propositions?

11 A. They were inexpensive for us because the
12 manufacturers supported them.

13 Q. Oh, they helped pay for them?

14 A. Yes.

15 Q. I see. That makes sense. Because the
16 manufacturer is trying to get new retailers --

17 A. Yes.

18 Q. -- to connect with as well?

19 A. Yeah, most customers have some type of trade
20 show of their own that manufacturers pay to attend.
21 We created this and kind of piggybacked on that but
22 brought in other customers.

23 Q. Did they -- how would you invite people?

24 How did you decide to invite people? Like, I mean,
25 would you -- or did they just know about it?

1 A. No. No. We would -- I would go through a
2 list, I would speak with my national account
3 managers, who did they want us to invite. We would
4 look at who are our current customers, are there any
5 prospective customers that might want to come.

6 Q. Then you just mail out an invitation?

7 A. I think I e-mailed them, I think I e-mailed
8 them personally, but we invited a lot of people.
9 Only -- 25 people came. I might have invited 100,
10 you know.

11 Q. Got it. Do you -- do you know where I can
12 find one of those invitations?

13 A. I would think in my sent e-mail.

14 Q. Okay.

15 MR. PENNOCK: Okay. Let's take a short
16 break. All right?

17 MS. KOSKI: Uh-huh.

18 THE VIDEOGRAPHER: Off the record, 4:03 p.m.

19 (Recess from 4:03 p.m. until 4:17 p.m.)

20 THE VIDEOGRAPHER: On the record, 4:17 p.m.

21 BY MR. PENNOCK:

22 Q. Mr. Versosky, you -- Anda -- is Anda located
23 in Broward County?

24 A. Yes.

25 Q. And you also have lived in Broward County,

1 right?

2 A. Yes.

3 Q. And you did back in the time you were
4 working for Anda?

5 A. Yes.

6 Q. Did you ever hear of a Broward County grand
7 jury report that was issued in November 2009, it
8 would have been public -- potentially public --
9 well, it was public information. Did you ever hear
10 about it back then, on opioids?

11 A. I don't remember specifically hearing of
12 anything like that, no.

13 MR. PENNOCK: Do you have another copy of
14 this?

15 (Anda-Versosky Exhibit 31 was marked for
16 identification.)

17 BY MR. PENNOCK:

18 Q. Sir, I've marked as Exhibit 31 a copy of an
19 interim report from the Broward County grand jury
20 titled: The Proliferation of Pain Clinics in South
21 Florida. It's dated November 19th, 2009.

22 Do you see that?

23 A. I do.

24 Q. Have you ever been provided this document
25 before by anyone?

1 A. I don't recall ever seeing it, no.

2 Q. Do you recall anyone at Anda talking about
3 the issuance of this report by the Broward County
4 grand jury? And I ask just because, I mean, it's
5 the County in which the company was located, so --

6 A. Yeah, and -- I -- I don't recall that.
7 Right? I do -- I do know there was discussion
8 related to, you know, legislative actions against
9 pharmacies over time and things like that, but I
10 don't recall this one specifically.

11 Q. So do you -- did you ever hear it being
12 reported back in late 2009 that there was a finding
13 that in 2007 there were four pain clinics operating
14 in Broward County but in -- by the end of 2009 there
15 were 115 pain clinics operating in Broward County.

16 MS. KOSKI: Object to form.

17 Q. Do you remember hearing that report?

18 A. I don't know that I remember hearing that
19 reporting. I do remember there was a general
20 culture of concern around, you know, pain
21 management, like that, anybody speaking related to
22 pain management was sort of a concern for a
23 customer.

24 Q. What do you mean by that?

25 A. Mike could have been very interested in

1 hearing if anybody was, you know, quote, unquote, a
2 pain clinic or anything like that.

3 Q. Because they might be -- they might not be
4 appropriately prescribing opioids?

5 A. Correct.

6 Q. Living and working in Broward County during
7 those years, did you observe any or make any
8 observations regarding the proliferation of pain
9 clinics in Broward County?

10 A. Not really.

11 MR. PENNOCK: Sorry.

12 MS. KOSKI: Object to form.

13 Q. Back at that time, by that I mean late 2009,
14 do you remember -- do you ever remember any
15 discussion within Anda that there had been a finding
16 that the top 25 dispensing doctors of oxycodone in
17 the nation were located in the state of Florida,
18 with 22 of the top 25 dispensing doctors of
19 oxycodone in South Florida, did you ever hear
20 anything like that?

21 MS. KOSKI: Object to form.

22 A. I don't remember specific points of data,
23 but again, being, as you mentioned, being in
24 Florida, we sort of always knew we were ground zero
25 for every, you know -- it seems like every epidemic

1 started in Florida, so we were always looking at
2 Florida.

3 Q. What do you mean by every epidemic?

4 A. Anything that -- I mean that's a joke on
5 Saturday Night Live. Everything that can go bad
6 across the country related to everything starts in
7 Florida. From the example that you gave, it's not
8 unreasonable we would have -- we would have talked
9 about that specific to Florida. It wouldn't have
10 been a surprise to us that Florida was, you know,
11 top in prescribing docs or anything like that.
12 Florida is an interesting market.

13 Q. At any point before you left Anda, did you
14 personally develop a heightened concern that Anda,
15 together with its customers, both manufacturers and
16 retailers, had at least in part contributed to the
17 opioid crisis in a way that they may have avoided?

18 A. You know, I would say it's a difficult
19 question. You know, over -- over time, I feel like
20 at Anda everybody was very much trying to do the
21 right thing, right? And your question related to
22 looking back. You know, looking backwards, there
23 was a learning process that happened at Anda, I
24 think that happened at customers, at, you know,
25 competitors. At all times, I think, in relation to

1 that learning process, we were trying to, you know,
2 push to be more stringent on any requirement that
3 was out there. That was my belief. I felt that we
4 were -- we were trying to be good stewards of the
5 business.

6 MR. PENNOCK: Can I see --

7 Q. May I see that stack of exhibits, sir?

8 A. Yes.

9 MR. PENNOCK: There seems to be one missing.

10 I'm looking for the CAP.

11 A. It would have been high up in that stack.

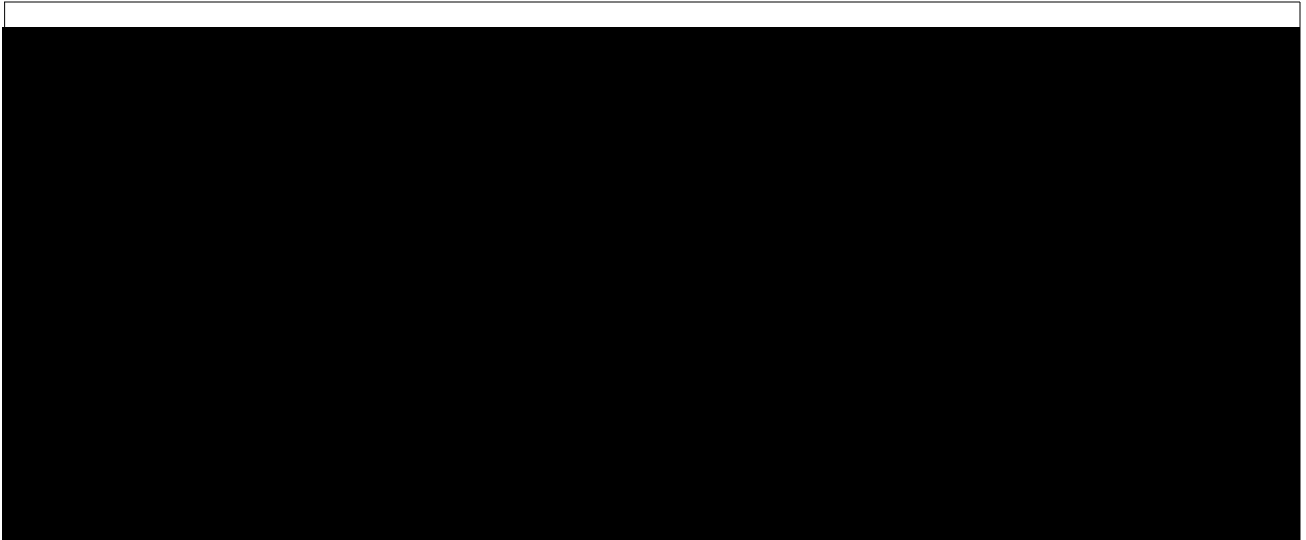
12 Q. Oh, I see. It's going the other way.

13 A. That's probably it.

14 MS. KOSKI: 28?

15 Q. There's 28. Well, when you prepared the CAP
16 PowerPoint, may I see that please?

17 A. Yes.



8 MR. PENNOCK: Thank you. I have no further
9 questions.

10 MS. KOSKI: I have none.

11 Does anyone on the phone have any questions
12 for the witness?

13 (No response.)

14 MS. KOSKI: Silence is noted.

15 THE VIDEOGRAPHER: Off the record, 4:27 p.m.

16 (Whereupon, the deposition concluded at
17 4:27 p.m.)

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1 C E R T I F I C A T E

2 I, SUSAN D. WASILEWSKI, Registered
3 Professional Reporter, Certified Realtime Reporter
4 and Certified Realtime Captioner, do hereby certify
5 that, pursuant to notice, the deposition of WILLIAM
6 VERSOSKY was duly taken on Friday, December 7, 2018,
7 at 9:25 a.m. before me.

8 The said WILLIAM VERSOSKY was duly sworn by
9 me according to law to tell the truth, the whole
10 truth and nothing but the truth and thereupon did
11 testify as set forth in the above transcript of
12 testimony. The testimony was taken down
13 stenographically by me. I do further certify that
14 the above deposition is full, complete, and a true
15 record of all the testimony given by the said
16 witness, and that a review of the transcript was
17 requested.

18

19

20 Susan D. Wasilewski, RPR, CRR, CCP

21 (The foregoing certification of this transcript does
22 not apply to any reproduction of the same by any
23 means, unless under the direct control and/or
24 supervision of the certifying reporter.)

25

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it. It will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

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ACKNOWLEDGMENT OF DEPONENT

I, _____, do hereby
acknowledge that I have read the foregoing pages, 1
through 243, and that the same is a correct
transcription of the answers given by me to the
questions therein propounded, except for the
corrections or changes in form or substance, if any,
noted in the attached Errata Sheet.

WILLIAM VERSOSKY

DATE

Subscribed and sworn to before me this
____ day of _____, 20____.

My Commission expires: _____

Notary Public

	LAWYER'S NOTES		
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